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General Laws, parts of laws, decisions, and opinions applicable to the creation, administration and protection of National Forests.

Regulations of the Secretary of Agriculture and instructions to forest officers relating to water power (Act of February 15, 1901) and telephone, telegraph, and power transmission lines (Act of March 4, 1911).

Regulations, etc., relating to the general administration of the Forest Service, and the protection and use of the National Forests.
Amendments Nos. 141,151.

Regulations of the Secretary of Agriculture appertaining to trespass upon the National Forests and instructions to forest officers thereunder.
Amendments Nos. 2,9,119.

Regulations of the Secretary of Agriculture and instructions to forest officers relating to and governing the grazing of live stock upon National Forest lands.
Amendments Nos. 145,138,137,13,16,155,144,10,12, 123,115,114,106,113,5,4,105,152,103,116,117,146,3

Instructions to forest officers relating to forest plans, forest extension, forest investigations, libraries, cooperation, and dendrology.

Regulations, etc., relating to and governing special uses of the National Forest lands.
Amendments Nos. 11,127,154,122,142,102,

Regulations, etc., relating to and governing timber sales, administrative use, timber settlement, and the free use of timber and stone upon National Forests.
Amendments Nos. 149,107,8,125,7,134,110,129,130, 133,14,126,15,135,148,131,147.

Regulations, etc., relating to claims, settlement, and administrative sites on National Forest lands
Amendments Nos. 112,121,109,112,124,143,139,153, 124,136,120,140.

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U.S. Solicitor of the Dept. of Agricult

Issued February 13, 1913.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SOLICITOR.
GEO. P. McCABE, Solicitor.

THE NATIONAL FOREST MANUAL.

GENERAL LAWS, PARTS OF LAWS, DECISIONS, AND OPINIONS APPLICABLE TO THE CREATION, ADMINISTRATION, AND PROTECTION OF NATIONAL FORESTS.

PREPARED FOR THE USE OF OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE.

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1913.

LETTER OF TRANSMITTAL.

U. S. Department of Agriculture,
Office of the Solicitor,
Washington, D. C., November 8, 1912.

Sir: I have the honor to transmit herewith, and to recommend for publication, a compilation of laws and parts of laws of a general nature affecting the administration and protection of the National Forests, with citations to acts of special or local application, and references to the more important decisions of the courts, the Interior Department, the Attorney General, the Comptroller of the Treasury, and the Solicitor of the Department of Agriculture. This compilation was requested by the Forester, and under my direction was compiled by Mr. W. W. Dyar, with the aid of other assistants to the Solicitor, all under the supervision of Mr. R. W. Williams, in charge of the Forest Service section of this office.

Respectfully,

Geo. P. McCabe,
Solicitor.

Hon. James Wilson,
Secretary of Agriculture.

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GENERAL LAWS, PARTS OF LAWS, DECISIONS, AND OPINIONS APPLICABLE TO THE CREATION, ADMINISTRATION, AND PROTECTION OF NATIONAL FORESTS.

ESTABLISHMENT OF NATIONAL FORESTS AND GENERAL POWERS OF ADMINISTRATION (NATIONAL MONUMENTS AND GAME REFUGES.)

Act of March 3, 1891 (26 Stat. 1095), to repeal timber-culture laws, and for other purposes.

Creation of National Forests.

[1103] SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.[1]

Agricultural appropriation act of March 4, 1907 (34 Stat. 1256).

Designation of forest reserves.

[1269] * * * Forest reserves * * * shall be known hereafter as National Forests * * *

Sundry civil appropriation act of June 4, 1897 (30 Stat., 11).

President empowered to revoke, modify, or suspend Executive orders or proclamations.

[34] * * * To remove any doubt which may exist pertaining to the authority of the President thereunto [in regard to the National Forests], the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: * * *

President may modify any Executive order, etc.

[36] The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by any such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Agricultural appropriation act of March 4, 1907 (34 Stat., 1256).

No new forests to be created in certain States.

[1271] Hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress. (California added by act of Aug. 24, 1912, p. 9, post.)

Act of February 1, 1905 (33 Stat., 628), providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

Transfer of National Forests to care of Secretary of Agriculture.

The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled "An act to repeal the timber-

26 Stat., 1095.

[1] The public lands are held in trust for the whole people, not for the people of the States within which they are located. The Government has in its lands all the rights of an individual proprietor to maintain its possession and prosecute trespassers. It may deal with them as an individual may deal with his lands. It may sell or withhold them from sale or settlement. It may absolutely prohibit or fix the terms on which they may be used. The constitutional declaration that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or the property belonging to the United States" (Art. IV, sec. 3), places in Congress authority and discretion to exercise the above rights and powers; and Congress may therefore reserve or authorize the President to reserve public lands as National Forests without the consent of the State within whose borders they lie. (Light *v.* United States, 220 U. S., 523, and cases therein cited.)

culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

Sundry civil appropriation act of June 4, 1897 (30 Stat., 11).

[34] All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions:

26 Stat., 1095.

Purposes of National Forests.

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.[1]

Fire protection.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; [2] and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States.[3]

Secretary (of Agriculture) may make rules and regulations.

Penalty.

25 Stat., 166.

R. S., sec. 5388.

Timber may be appraised and sold.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom.[4]

Timber must be used in State.

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[1] Notwithstanding this language, mineral lands (at least if not located as such at the time of withdrawal) become a part of the National Forest; and their subsequent location does not (prior to patent) withdraw or exclude them therefrom. (United States *v.* Rizzinelli, 182 Fed., 675.)

Under a forestry proclamation declaring "that the withdrawal made by this proclamation shall, as to all lands at this time legally appropriated * * * be subject to and shall not interfere with or defeat legal rights under such appropriation * * * so long as such appropriation is maintained," a mining location existing at the date of the proclamation becomes a part of the National Forest subject only to the rights of the owner thereof under the mineral laws. (2 Sol. Op., 763; id., 865.)

Lands covered by railroad and ditch rights-of-way at the time of withdrawal become part of the National Forests subject to such rights-of-way. (2 Sol. Op., 790; id., 728.)

If agricultural lands are improvidently included in a forest reservation they can be eliminated only by proclamation of the President or by act of Congress. (E. S. Gosney, 29 L. D., 593, 30 L. D., 44; decided before the passage of act of June 11, 1906.)

[2] Authority to regulate occupancy and use includes authority to forbid either or both, and to permit the same upon terms and conditions, including payment of charges, especially where the statutes provide for the disposition of the moneys received. (22 Op. Atty. Gen., 266; 25 id., 470; 26 id., 421; United States *v.* Grimaud, 220 U. S., 506.)

[3] Congress itself having provided criminal penalties for violation of the regulations, the act is not unconstitutional as an attempt to delegate legislative powers. (United States *v.* Grimaud, 220 U. S., 506; Light *v.* United States, 220 U. S., 523.)

[4] By act of Mar. 4, 1907, p. 60, post, the Secretary of Agriculture is given authority to permit export of timber except from the Black Hills National Forest in South Dakota.

[Before such sale shall take place, notice thereof shall be given * * * for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however,* That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further,* That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood not exceeding in value one hundred dollars stumpage: *And provided further,* That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers:] * * * Such timber before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing * * * of his doings in the premises.

Timber to be sold only after advertisement.

Emergency sales.

Sales of timber of less than $100 value.

Private sales may be made where bid is unsatisfactory.

Timber to be designated and cut under supervision.

(The matter in brackets in the above section is taken bodily from the act of June 6, 1900 (31 Stat., 661), and, since the passage of the agricultural appropriation act of June 30, 1906 (34 Stat., 669), is the timber sale law for all National Forests, except as modified by the act of Feb. 1, 1905 (33 Stat., 628), transferring the jurisdiction of the National Forests to the Secretary of Agriculture.)

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

Free use of timber and stone.

[36] Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes,[1] including that of prospecting, locating, and developing the mineral resources thereof: *Provided,* That such persons comply with the rules and regulations covering such forest reservations.

Ingress and egress of settlers.

Prospecting, etc.

(The paragraphs in this act providing for lieu selection were repealed by the act of Mar. 3, 1905, 33 Stat., 1264.)

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding two acres for each schoolhouse and one acre for a church.

Schools and churches in National Forests.

The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated

State jurisdiction.

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[1] While it is no doubt within the power of Congress to prevent intrusion upon the National Forests for the purposes of taking fish and game, yet in view of the long-established policy by which the public domain has been opened for these purposes, it can not be held that the general powers conferred upon the Secretary of Agriculture by the forest administrative act of June 4, 1897, or any other legislation empowers him to prohibit or to make regulations in relation to the taking of fish and game on the National Forests. (23 Op. Atty. Gen., 589; 1 Sol. Op., 78 and 174.)

The fish and game laws of the States and Territories are applicable to National Forest lands and to persons other than Indians on Indian reservations but not to Indians upon their reservations. (1 Sol. Op., 201.)

shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

Waters.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder.[1]

Restoration of agricultural lands to public domain.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And

Mineral lands open to location and entry.

any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

Act of June 25, 1910 (36 Stat., 847), to authorize the President of the United States to make withdrawals of public lands in certain cases.

Temporary withdrawals by President.

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.[2]

Mineral exploration and acquisition.

SEC. 2 [as amended by the act of Aug. 24, 1912, 37 Stat., 497]. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provi-

Claims and settlements excepted.

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[1] Waters flowing over the public domain in natural channels are not the property of the United States or subject to its control or disposition. They are publici juris and are subject, under the Constitution, to the jurisdiction and control of the States, except for purposes of commerce and navigation. The Government can acquire a right to their use for purposes other than navigation only by appropriating them under the provisions of State laws. (1 Sol. Op., 590.)

Where, however, the Government, by a treaty made prior to the admission of the State into the Union, has reserved certain waters for the use of an Indian tribe, there is no power in the State to divert them from such uses. (Winters *v.* United States, 207 U. S., 564.)

Nor can a State, even upon the nonnavigable portions of a stream, authorize any uses which will impair the navigability of the navigable portions. (United States *v.* Rio Grande Irrigation Co., 174 U. S., 690.)

The waters of mineral, medicinal, and saline springs on the public domain are under the sole control of the United States, as a landowner, and are not subject to appropriation under State laws or to the riparian right to continued flow. (2 Sol. Op., 951.)

[2] This act confers upon the President power to withdraw National Forest lands for the purposes therein stated. "Public lands," as used therein, includes National Forest lands. (Informal opinion of Attorney General to Secretary of Agriculture of Nov. 23, 1910.)

The Secretary of Agriculture has no authority to issue a power permit affecting National Forest lands withdrawn under this act for a power site (2 Sol. Op., 817); nor can he make leases, under the act of Feb. 28, 1899, or authorize other uses of lands similarly withdrawn around mineral and medicinal springs in Alaska. (2 Sol. Op., 870.)

sions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

No further National Forests in certain States.

SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

Reports to Congress.

LEGISLATION AFFECTING PARTICULAR NATIONAL FORESTS.

Act of October 1, 1890 (26 Stat., 650), setting aside certain lands in California as forest reservations.

Sierra (now in part Stanislaus) National Forest.

Act of February 7, 1905 (33 Stat., 702), to exclude from Yosemite National Park certain lands and attach the same to the Sierra Forest Reserve.

Same.

Joint resolution of June 11, 1906 (34 Stat., 831), accepting recession of Yosemite Valley, etc., and changing boundaries of the National Park.

Same.

Act of April 28, 1904 (33 Stat., 526), replaced by section 55 of the Penal Code. (See Trespass, p. 67, post.)

Bull Run National Forest.

Act of May 23, 1908 (35 Stat., 268), establishing the Minnesota National Forest and containing various special provisions in relation to sales of timber, the preservation of seed trees, the preservation and adjustment of the rights of Indians, etc. See also act of June 27, 1902 (32 Stat., 400).

Minnesota National Forest.

Act of June 25, 1910 (36 Stat., 855), relating to Indian lands, proviso near bottom of page 862.

Same.

The Indian appropriation act of March 3, 1905 (33 Stat., 1048 at p. 1070), authorizes the President to add parts of the Uinta Indian Reservation to the Uinta National Forest.

Addition to Uinta National Forest.

Act of March 3, 1899 (30 Stat., 1074, 1095), authorized homestead entries by metes and bounds in the Black Hills National Forest by bona fide settlers prior to September 19, 1898.

Black Hills National Forest.

Act of March 1, 1907 (34 Stat., 1053), grants certain lands in the San Juan National Forest to the city of Durango, Colo., for reservoir purposes, reserving to the Forest Service the right to dispose of the timber on certain parts thereof.

San Juan National Forest.

Act of February 18, 1909 (35 Stat., 626), as amended by act of May 7, 1912 (37 Stat., 108), authorizing acquisition of lands in California for a National Forest to be known as the Calaveras Big Tree National Forest.

Calaveras Big Tree National Forest.

Act of February 28, 1911 (36 Stat., 960), authorizes the exchange of lands in the Kansas National Forest for privately owned lands within its boundaries.

Kansas National Forest.

Act of March 4, 1911 (36 Stat., 1357), authorizes the Secretary of the Interior to exchange certain desert lands, specifically described, for other described lands, within National Forests in Oregon.

National Forests in Oregon.

Act of July 31, 1912 (37 Stat., 241), authorizes the exchange of certain lands with the State of Michigan and provides the terms on which such exchange may be made.

Exchange with Michigan.

Act of July 25, 1912 (37 Stat., 200), authorizing Secretary of the Interior to exchange certain lands in Paulina National Forest, Oreg., for private lands within the forest.

Paulina National Forest.

Act of August 22, 1912 (37 Stat., 323), authorizes the Secretary of Agriculture to exchange timber in the Pecos National Forest, N. Mex., for privately owned lands within the boundaries of the Zuni National Forest.

Zuni National Forest.

The agricultural appropriation act of August 10, 1912 (37 Stat., 269), declares that the Fort Wingate Military Reservation, N. Mex., shall become a part of the Zuni National Forest, subject to unhampered use for military purposes.

Same.

Act of March 1, 1911 (36 Stat., 961), to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

States authorized to make agreements to conserve forests and water supply.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Cooperation with States for fire protection.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Purchase of lands to preserve navigability of streams.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

Appointment of commission.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

Reports to Congress.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

Duties of Secretary of Agriculture and Geological Survey.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

Secretary to purchase, consent of State.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the

State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

Titles obtained by Secretary of Agriculture and passed upon by Attorney General.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

Reservations of timber and minerals.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

Sale of agricultural lands so acquired.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

Lands acquired to be held and administered as national forest lands.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific National Forests and so designate the same as he may deem best for administrative purposes.

Jurisdiction of States.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

Five per cent of receipts to States.

SEC. 13. That five per centum of all moneys received during any fiscal year from each National Forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such National Forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such National Forest is situated: *Provided*, That when any National Forest is in more than one State or county the distributive share to each from the proceeds

of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

Expenses of purchasing commission.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Agricultural appropriation act of August 10, 1912 (37 Stat. 269).

Appropriations for purchase of lands continued.

And in order to carry out the purposes mentioned in section three of the Act of March first, nineteen hundred and eleven, entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years nineteen hundred and twelve to nineteen hundred and fifteen, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Act of June 8, 1906 (34 Stat., 225), for the preservation of American antiquities.

Objects of historic or scientific interest may be reserved as national monuments.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Permits for examination, excavation, and collection.

SEC. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Uniform rules and regulations.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.[1]

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[1] The purpose of this act is to permanently preserve objects of antiquity and historic interest for the instruction and enjoyment of the people, and the three Secretaries are not authorized to make regulations which will in effect prohibit access thereto by the general public. They can not, therefore, restrict access to those only who are accompanied by accredited guides and pay a reasonable charge for such services. (1 Sol. Op., 224.)

(Section one of the above act, which is purely penal in character, is printed under *Trespass*, p. 67, infra.)

Uniform Rules and Regulations.

By the Secretaries of the Interior, Agriculture, and War to carry out the provisions of the act for the preservation of American antiquities, approved June 8, 1906.

1. Jurisdiction over ruins, archæological sites, historic and prehistoric monuments and structures, objects of antiquity, historic landmarks, and other objects of historic or scientific interest, shall be exercised under the act by the respective departments as follows:

By the Secretary of Agriculture over lands within the exterior limits of forest reserves; by the Secretary of War over lands within the exterior limits of military reservations; by the Secretary of the Interior over all other lands owned or controlled by the Government of the United States, provided the Secretaries of War and Agriculture may, by agreement, cooperate with the Secretary of the Interior in the supervision of such monuments and objects covered by the act of June 8, 1906, as may be located on lands near or adjacent to forest reserves and military reservations, respectively.

2. No permit for the removal of any ancient monument or structure which can be permanently preserved under the control of the United States in situ, and remain an object of interest, shall be granted.

3. Permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity will be granted, by the respective Secretaries having jurisdiction, to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents.

4. No exclusive permits shall be granted for a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit named in the permit.

5. Each application for a permit should be filed with the Secretary having jurisdiction, and must be accompanied by a definite outline of the proposed work, indicating the name of the institution making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it, and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the particular site or area to be examined, excavated, or searched, so definite that it can be located on the map with reasonable accuracy.

6. No permit will be granted for a period of more than three years, but if the work has been diligently prosecuted under the permit the time may be extended for proper cause upon application.

7. Failure to begin work under a permit within six months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Secretary having jurisdiction.

8. Applications for permits shall be referred to the Smithsonian Institution for recommendation.

9. Every permit shall be in writing, and copies shall be transmitted to the Smithsonian Institution and the field office in charge of the land involved. The permittee will be furnished with a copy of these rules and regulations.

10. At the close of each season's field work the permittee shall report in duplicate to the Smithsonian Institution, in such form as its Secretary may prescribe, and shall prepare in duplicate a catalogue of the collections and of the photographs made during the season, indicating therein such material, if any, as may be available for exchange.

11. Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands upon which they have worked to their customary condition, to the satisfaction of the field officer in charge.

12. All permits shall be terminable at the discretion of the Secretary having jurisdiction.

13. The field officer in charge of the land owned or controlled by the Government of the United States shall, from time to time, inquire and report as to the existence, on or near such lands, of ruins and archæo-

logical sites, historic or prehistoric ruins or monuments, objects of antiquity, historic landmarks and prehistoric structures, and other objects of historic or scientific interest.

14. The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the acts and these rules and regulations, and may fully examine all work under such permit.

15. All persons duly authorized by the Secretaries of Agriculture, War, and Interior may apprehend or cause to be arrested, as provided in the act of February 6, 1905 (33 Stat., 700), any person or persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument or any object of antiquity on lands under the supervision of the Secretaries of Agriculture, War, and Interior, respectively.

16. Any object of antiquity taken, or collection made, on lands owned or controlled by the United States without a permit, as prescribed by the act and these rules and regulations, or there taken or made, contrary to the terms of the permit or contrary to the act and these rules and regulations, may be seized, wherever found and at any time, by the proper field officer or by any person duly authorized by the Secretary having jurisdiction, and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.

17. Every collection made under the authority of the act and of these rules and regulations shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the Secretary of the Smithsonian Institution, and then only to another public museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of the act and these rules and regulations, shall cease to exist, every such collection in such public museum shall thereupon revert to the national collections and be placed in the proper national depository.

WASHINGTON, D. C., *December 28, 1906.*

The foregoing rules and regulations are hereby approved, in triplicate, and, under authority conferred by law on the Secretaries of the Interior, Agriculture, and War are hereby made and established to take effect immediately.

E. A. HITCHCOCK,
Secretary of the Interior.
JAMES WILSON,
Secretary of Agriculture.
WM. H. TAFT,
Secretary of War.

Wichita game refuge.

Act of January 24, 1905 (33 Stat., 614), authorizes the President to set aside lands within the Wichita National Forest as a game refuge and declares that the purpose of the act is to protect the land of the United States from trespass, and not to interfere with local game laws, etc.[1] Penal provisions of the act will be found under "Trespass," page 67, post.

Grand Canon game refuge.

Act of June 29, 1906 (34 Stat., 607), contains provisions substantially like those of the act next above cited.

OPERATION.

PERSONNEL.

Forest transfer act of February 1, 1905 (33 Stat., 628).

Forest officers to be selected from States where forests are situated.

SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

[1] The Secretary of the Interior [now Agriculture] can not, without express authority of law, prescribe rules and regulations by which the National Forests may be made refuges for game, or by which the hunting, killing, or capture of game thereon may be forbidden. As to the National Forests in general, no such authority is conferred either by the act of June 4, 1897, or any other provision of law. (23 Op. Atty. Gen., 589.)

Agricultural appropriation act of May 23, 1908 (35 Stat., 251).

[267] The employees of the Department of Agriculture, outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Leave of absence and sick leave in field service.

Agricultural appropriation act of May 23, 1908 (35 Stat., 251).

And hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States and Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and, with respect to National Forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law.

Cooperation with other departments.

Act of March 11, 1912 (37 Stat., 74), extending to certain employees of the Forest Service and Bureau of Mines the right to compensation under the act of May 30, 1908, for injuries sustained.

That the provisions of the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

Compensation to employees injured in hazardous work.

(The act above made applicable is printed next below.)

Act of May 30, 1908 (35 Stat., 556), granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

Compensation for injuries sustained in hazardous work.

Time limit.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

Compensation to widows and children.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in

Reports of injuries.

death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each department or independent office shall have power, however, to charge a special official with the duty of making such reports.

Affidavits in case of death.

SEC. 4. That in the case of any accident which shall result in death the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for.

Affidavits in case of injury.

In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for.

Determining compensation.

If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

Medical examinations.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

Payment to beneficiaries, etc.

SEC. 6. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

Contracts to exempt from liability void.

SEC. 7. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Repeal.

SEC. 8. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

BUILDINGS AND PROPERTY.

Agricultural appropriation act of March 4, 1911 (36 Stat., 1235).

Buildings, limit of cost.

[1246] GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Agriculture * * * to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed six hundred and fifty dollars.

By the agricultural appropriation act of March 4, 1907 (34 Stat., 1269), the limit of cost for buildings was fixed at $1,000. This was reduced to $500 by appropriation act of May 23, 1908 (35 Stat., 259), and increased to $650 by the above act. The same limit is fixed by the appropriation act of August 10, 1912.

Agricultural appropriation act of August 10, 1912 (37 Stat., 269).

Additional fund for permanent improvements.

That an additional ten per centum of all moneys received from the National Forests during the fiscal year ending June thirtieth, nineteen hundred and twelve, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the National Forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

Cooperation with States.

Agricultural appropriation act of August 10, 1912 (37 Stat., 269).

Buildings on homestead claims.

That no part of the appropriation made by this act shall be used for the construction, repair, maintenance, or use of buildings or improvements made for forest-ranger stations within the inclosed fields of bona fide homestead settlers who have established residence upon their homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated, without the consent of the homesteader.

Agricultural appropriation act of March 4, 1907 (34 Stat., 1256).

Photographs may be sold.

Condemned property.

[1270] * * * and hereafter he [Secretary of Agriculture] may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, and forest maps at cost and ten per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus.

DECISIONS AFFECTING THE WORK OF "OPERATION."

An appropriation for the "improvement of the National Forests," with a provision that the money appropriated may be expended as the Secretary of Agriculture may direct, authorizes him to cooperate with county commissioners in the construction of a county road through a National Forest, by contributing money for that purpose. (1 Sol. Op., 154.)

The Forest Service may legally enter into an agreement for the cooperative construction of a telephone line where under the terms of such agreement the United States is to retain title to all timber taken from the National Forests used either in the construction or maintenance of said line, the other contracting party to furnish all other materials and labor necessary. (2 Sol. Op., 999.)

Secretary of Agriculture is not authorized to grant timber to a telephone company free of charge as an inducement to its construction of a telephone line on a National Forest. (2 Sol. Op., 1026.)

The limitation of $500 on the cost of buildings, contained under "General expenses" in the appropriation for 1911, applies also to ranger cabins erected under the appropriation for "Improvement of the National Forests." (Comp. Dec. of May 23, 1911, unpublished.)

Under the provision in the appropriation act for 1912 an existing ranger cabin may be enlarged to meet the present needs of the Forest Service, provided the total cost of the enlarged building does not exceed $650. (2 Sol. Op., 679.)

The foregoing provision does not, however, authorize additional expenditures on old cabins merely for the purpose of making them more comfortable and commodious for the same number of rangers and the same amount of business as they were originally constructed to provide for. (2 Sol. Op., 679.)

Government property in the nature of fixtures such as cabins, fences, etc., may be sold as personal property either before or after the land to which they are attached is released from withdrawal for administrative use of the Forest Service. (1 Sol. Op., 272.)

Logs from deserted cabins on National Forests can be sold by the forest supervisors under authority of Revised Statutes, section 3618. (1 Sol. Op., 109.)

A forest ranger is not subject to the Florida statutes requiring all male residents of the counties to work on the public roads, with the privilege of providing a substitute or paying a stipulated sum in lieu of personal service. (2 Sol. Op., 841.)

Forest supervisors are not authorized to commute leave without pay to leave with pay. (1 Sol. Op., 73.)

An employee of this department can not receive compensation from it while on leave with pay from the Indian Service. (1 Sol. Op., 102.)

Payment of cost of mallein test for glanders required on interstate shipment of ranger's horses not authorized by General Order No. 145. (2 Sol. Op., 1025.)

Arrests—Carrying Concealed Weapons.

Forest officers, being charged with the duty of protecting the National Forests and invested with authority to make arrests, may carry concealed weapons, if necessary, to the discharge of these duties, and in doing so are not subject to the State laws regarding the carrying of concealed weapons. (1 Sol. Op., 112.)

It is not the duty of forest officers to directly prosecute in a State court a person accused of violating State statutes by starting a fire which spreads to national forest lands. In such case they would perform their full duty by calling the attention of the proper State officers to the alleged criminal offense, suggesting action, and offering to aid in all proper ways. (2 Sol. Op., 693.)

LANDS.

CLAIMS PROCEDURE.

Instructions of January 19, 1911 (39 L. D., 458), to Special Agents and Registers and Receivers.

The following rules are prescribed for the government of proceedings had upon the reports of special agents of this office. All existing instructions in conflict herewith are superseded.

Purposes.

1. The purpose hereof is to secure speedy action upon claims to the public lands, and to allow claimant, entryman, or other claimant of record opportunity to file a denial of the charges against the entry or claim, and to be heard thereon if he so desires.

Special agent's report.

2. Upon receipt of the special agent's report this office will consider the same and determine therefrom whether the charges, if true, would warrant the rejection on cancellation of the entry or claim.

Charges.

3. Should the charges, if not disputed, justify the rejection or cancellation of the entry or claim the local officers will be duly notified thereof and directed to issue notice of such charges in the manner and

Notice of charges.

form hereinafter provided for, which notice must be served upon the entryman and other parties in interest shown to be entitled to notice.

Same.

4. The notice must be written or printed and must state fully the charges as contained in the letter of this office, the number of the entry or claim, subdivision of land involved, name of entryman or claimant or other known parties in interest.

Contents of notice.

5. The notice must also state that the charges will be accepted as true, (*a*) unless the entryman or claimant files in the local office within 30 days from receipt of notice a written denial, under oath, of said charges, with an application for a hearing, (*b*) or if he fails to appear at any hearing that may be ordered in the case.

Service of charges.

6. Notice of the charges may in all cases be served personally upon the proper party by any officer or person, or by registered letter mailed to the last address of the party to be notified, as shown by the record, and to the post office nearest to the land. Proof of personal service shall be the written acknowledgement of the person served, or the affidavit of the person who served the notice attached thereto, stating the time, place, and manner of service. Proof of service of notice by registered mail shall consist of the affidavit of the person who mailed the notices, attached to the post-office registry return receipts, or the returned unclaimed registered letters.

Dates for hearing.

7. If a hearing is asked for, the local officers will consider the same and confer with the chief of field division relative thereto and fix a date for the hearing, due notice of which must be given entryman or claimant. The above notice may be served by registered mail. By ordinary mail a like notice will be sent the chief of Field Division, and when the land is in a national forest the proper forest field officer will be also notified.

Estimate of expense.

8. The chief of Field Division will duly submit, upon the form provided therefor, to this office, an estimate of the probable expense required on behalf of the Government. He will also cause to be served subpœnas upon the Government witnesses and take such other steps as are necessary to prepare the case for prosecution.

Appearance at hearing.

9. The special agent must appear with his witnesses on the date and at the place fixed for said hearing, unless he has reason to believe that no appearance for the defense will be made, in which event no appearance on behalf of the Government will be required. The special agent must, therefore, keep advised as to whether the defendant intends to appear at the hearing. The Chief of Field Division may, when present, conduct the hearing on behalf of the Government.

Default by claimant.

10. If the entryman or claimant fails to deny the charges under oath and apply for a hearing, or fails to appear at the hearing ordered without showing good cause therefor, such failure will be taken as an admission of the truth of the charges contained in the special agent's report and will obviate any necessity for the Government's submitting evidence in support thereof, and the register and receiver will forthwith forward the case with recommendation thereon to the General Land Office and notify the parties by registered mail of the action taken.

Conduct of hearing.

11. Upon the day set for the hearing and the day to which it may be continued the testimony of the witnesses for either party may be submitted, and both parties, if present, may examine and cross-examine the witnesses, under the rules, the Government to assume the burden of proving the special agent's charges.

Decision of local officers.

12. If a hearing is had, as provided in paragraph 11, the local officers will render their decision upon the record, giving due notice thereof in the usual manner.

Appeals and briefs.

13. Appeals or briefs must be filed under the rules and served upon the special agent in charge of hearing, and when land is in a National Forest upon the proper district assistant to the Solicitor of the Department of Agriculture. The special agent will not file any appeal or brief unless directed to do so by this office or the Chief of Field Division.

Service on Solicitor.

Practice.

14. The above proceedings will be governed by the Rules of Practice. All notices served on claimants or entrymen must likewise be served upon transferees or mortgagees.

Very respectfully,

FRED DENNETT,
Commissioner.

Approved:
R. A. BALLINGER, *Secretary.*

FINAL PROOF NOTICES, ETC.—COPIES TO FOREST OFFICERS.

By instructions of December 31, 1910 (39 L. D., 436), in all cases of applications to make final proof, final entry, or to purchase lands under any public-land law, the registers and receivers are directed to furnish the proper forest officers with copies thereof in triplicate when the lands affected are in the National Forests.

FILING OF TOWNSHIP PLATS—NOTICES TO FOREST OFFICERS.

Instructions of January 9, 1911 (39 L. D., 446), to registers and receivers:

"In all cases where you hereafter receive plats of the surveys of any townships wholly or in part within National Forests, with instructions to file them in your office, you will at once mail to the supervisors of the National Forests within which such townships are located a copy of the notice of such filing required by the instructions of October 21, 1885 (4 L. D., 202), for their instruction and guidance."

JOINT CIRCULAR OF NOVEMBER 25, 1910 (39 L. D., 374), RELATING TO PROCEDURE IN CLAIMS CASES AFFECTING THE NATIONAL FORESTS.

To the Commissioner, chief of field service, Chiefs of Field Division, registers and receivers, General Land Office, Department of the Interior; the Forester, district foresters, forest supervisors, Forest Service, Department of Agriculture; the Solicitor and district assistants to the Solicitor, Department of Agriculture.

GENTLEMEN: To better effectuate cooperation in protecting the interests of the Government and settlers and others claimants to lands within National Forests, the following order is effective, superseding order of June 25, 1910 (39 L. D., 52):

Supervisors' reports.

1. Forest supervisors will submit all reports made by forest officers to the proper district forester, who will make a careful examination of them.

Action by district forester.

If the district forester is of the opinion that no contest should be instituted he will transmit the report directly to the proper Chief of Field Division with an indorsement of "No protest," except that in the case of claims under the mining laws which have not been examined for mineral discovery, the notice of "No protest" will be by letter from the district forester to the Chief of Field Division, instead of by the transmittal of an indorsed report. Should the Chief of Field Division desire further information he will return the report directly to the district forester, requesting such additional investigation as may be necessary; or, if he deems it advisable, he will cause an agent of the General Land Office to make such additional investigation. If the Chief of Field Division is of opinion that no hearing is necessary, he will transmit the report, or the letter of "no protest," to the Commissioner of the General Land Office with his recommendations.

Action by Chief of Field Division.

Action by assistant to Solicitor.

If the district forester is of opinion that a contest should be instituted he will refer the report to the district assistant to the Solicitor for examination as to the sufficiency of law and evidence, and if found to be sufficient he will return it to the district forester with a draft of the charges against the claim to be recommended to the Chief of Field Division. If the district assistant to the Solicitor is of opinion that additional evidence is necessary, he will call this to the attention of the district forester, who will order such additional investigation as may be required and will resubmit the report with the additional evidence to the district assistant to the Solicitor, who, if then satisfied that a contest should be instituted, will pursue the course outlined above. When the final report, with the draft of charges to be recommended to the Chief of Field Division, is returned to the district forester by the district assistant to the Solicitor, the district forester will transmit it directly to the Chief of Field Division with a recommendation that a contest be instituted upon the charges indicated. If the district assistant to the Solicitor, after full review of the final report, is of opinion that a contest should not be instituted, he will so advise the district forester and if the latter is still of opinion that a contest should be instituted, the papers in the case will be referred to the Forester for consultation with the Solicitor, and, if need be, for submission to the Secretary of Agriculture, and, after decision, the papers will be returned by the Forester to the district forester with notice of decision and appropriate instructions. Should the Chief of Field Division find the report, in his opinion, insufficient to warrant adverse proceedings, he will return it directly to the district forester, requesting such additional investigation as may be necessary; or, if he deems it advisable, he will cause an agent of the General Land Office to make such additional investigation. If, after receipt of the complete report, the Chief of Field Division is of opinion that adverse proceedings should be ordered, he will transmit the report, together with the district forester's letter of recommendations, to the Commissioner of the General Land Office with a letter of transmittal recommending the ordering of a hearing before the register and receiver upon the charges suggested by him and noted in his letter of transmittal. If, after receipt of complete report from the district forester recommending adverse proceedings, the Chief of Field Division is of opinion that a hearing is unwarranted, he will

Action by Forester and Solicitor.

Report of Chief of Field Division.

transmit the report, the district forester's letter of recommendations, and his own recommendations to the Commissioner of the General Land Office for decision. Should the Commissioner of the General Land Office approve the recommendations of the Chief of Field Division, he will notify the Solicitor of the Department of Agriculture.

Hearings.

2. Upon order or application for hearings upon reports covering lands or claims within a National Forest, the register and receiver will send duplicate notices thereof to the Chief of Field Division and the proper district assistant to the Solicitor. Before setting date for the hearing in any such case, the Chief of Field Division will confer with the proper district assistant to the Solicitor and thereupon suggest to the register and receiver a date for hearing, and the names of witnesses to be subpœnaed upon behalf of the Government. In the event the Chief of Field Division and the district assistant to the Solicitor are unable to agree as to the date of hearing, the matter will be referred by the Chief of Field Division to the Commissioner of the General Land Office, who will issue the necessary directions.

Setting dates.

Appearances for Government.

3. In all hearings affecting lands or claims within a National Forest, the Chief of Field Division or a special agent of the General Land Office, and the district assistant to the Solicitor, will be entered of record as appearing on behalf of the Government. The Chief of Field Division or special agent of the General Land Office acting as attorney for the Government in any such case will control the Government's side of the case in any matter as to which counsel are unable to agree, subject to any direction that may be given by the Commissioner of the General Land Office in case the matters of difference are of such importance as to be presented to him for action.

Notices of appeal.

Appeals by Solicitor.

4. In all Government cases before registers and receivers involving lands or claims within a National Forest, the Chief of Field Division and the district assistant to the Solicitor shall each be served with notice of all appeals, motions, orders, and decisions required to be noted under the rules in cases of private contests. The proper law officers of the Department of Agriculture shall also have a right of appeal from any decision by the Commissioner of the General Land Office, and to file motion for review in the department, or take other like action in the same manner as a private contestant; and shall receive like notices of proceedings and decisions: *Provided, however*, That the Department of Agriculture shall not be required to take formal appeals from decisions of registers and receivers.

Costs and expenses.

5. Costs incident to hearings before registers and receivers in Government cases involving lands or claims within a National Forest will be paid under rules now in force. Expenses incident to appeals will be paid by the Department of Agriculture; except that, where feasible, Chiefs of Field Division may give aid in office work in preparation of papers, briefs, etc.

Very respectfully,

R. A. Ballinger,
Secretary of the Interior.
James Wilson,
Secretary of Agriculture.

HOMESTEAD LAWS.

Basic Provisions of the Homestead Laws Most Generally Affecting Forest Service Work.

UNITED STATES REVISED STATUTES.

Transfer of homestead lands.

Sec. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer by warranty against his own acts any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim. (As amended Mar. 3, 1905, 33 Stat., 991.)

Sec. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United

States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres. (As amended Mar. 3, 1891, 26 Stat., 1098.)

Persons entitled to homestead rights.

Mode of procedure.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the register or receiver on payment of five dollars, when the entry is of not more than eighty acres, and on payment of ten dollars, when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified. (As amended Mar. 3, 1891, 26 Stat., 1098.)

Certificate and patent.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

Widows and heirs.

Infant children.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

Persons in military or naval service.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may

make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Affidavits and oaths, before whom taken.

SEC. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

False swearing.

Fees.

"For each affidavit, twenty-five cents.

"For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

"For each deposition of claimant or witness, prepared by the officer, one dollar.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars." (As amended Mar. 4, 1904, 33 Stat., 59.)

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Homesteads not subject to prior debts.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. (As amended Mar. 3, 1881, 21 Stat., 511.)

Reverts to United States.

Limited to quarter section.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter section under the provisions of this chapter.

Commutation.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of

section twenty-two hundred and eighty-nine from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months, and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law. (As amended Mar. 3, 1891, 26 Stat., 1098.)

Race and color. SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable ot entry and settlement under its provision.

SPECIAL PROVISIONS IN FAVOR OF SOLDIERS AND SAILORS.

Revised Statutes sections 2300; 2304 and 2305, both as amended by Act of March 1, 1901 (31 Stat., 487); 2306 and sundry civil appropriation act of August 18, 1894, sec. 1 (28 Stat., 397); 2307; 2308 and act of June 16, 1898 (30 Stat., 473); 2309.

THREE YEAR HOMESTEAD LAW.

Act of June 6, 1912 (37 Stat. 123).

That section twenty-two hundred and ninety-one and section twenty-two hundred and ninety-seven of the Revised Statutes of the United States be amended to read as follows:

Certificate and patent. "SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years

Rights of widow and heirs. thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That upon

Leaves of absence. filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office,

Commutation. but in case of commutation the fourteen months' actual residence as now required by law must be shown, and the person commuting must be at the time a citizen of the United States: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land: *Provided further*, That the entryman shall, in order to comply with

Cultivation. the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section six of the enlarged-homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April twenty-eighth,

nineteen hundred and four, commonly known as the Kinkaid Act, or entries under the act of June seventeenth, nineteen hundred and two, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided,* That the Secretary of the Interior shall, within sixty days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within one hundred and twenty days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act." [But see next below, from sundry civil appropriation act Aug. 24, 1912.]

Reclamation act and Kinkaid Act. Excepted.

Right of election.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section twenty-two hundred and ninety and before the expiration of the three years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided,* That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further,* That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe".

Reverter to United States.

Commencement of residence in certain cases.

Sundry civil appropriation act of August 24, 1912 (37 Stat., 455).

That the failure of a homestead entryman to give notice of election of making his proof as required by the act of June sixth, nineteen hundred and twelve, being an act to amend sections [twenty-] two hundred and ninety-one and [twenty-] two hundred and ninety-seven of the Revised Statutes of the United States, relating to homesteads, shall not in anywise prejudice his rights to proceed in accordance with the law under which such entry was made.

Act of May 14, 1880, sec. 3 (21 Stat., 140).

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the preemption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption laws.

Settlement rights, time for filing.

Act of March 3, 1911 (36 Stat., 1084), validating certain homestead entries in National Forests.

That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July first, nineteen hundred and twelve.

Canceled or relinquished entries reinstated, etc.

SEC. 2. That in all cases where contests were initiated under the provisions of the act of May fourteenth, eighteen hundred and eighty, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this act.

Contests, preference rights.

Act of March 3, 1891 (26 Stat., 1093).

AN ACT To amend section eight of an act approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber culture laws and for other purposes."

That section eight of an act entitled "An act to repeal timber-culture laws, and for other purposes" approved March third, eighteen hundred and ninety-one, be, and the same is hereby amended so as to read as follows:

Suits to vacate patents.

"SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents.[1] And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming and the District of Alaska, and the gold and silver regions of Nevada and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior, and has not been transported out of the same; but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domains: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations; but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for cutting of timber on mineral lands.

Act of February 3, 1911 (36 Stat., 896).

AN ACT Providing for second homestead and desert-land entries.

Second homestead entries.

That any person, who, prior to the approval of this act, has made entry under the homestead or desert-land laws, but who, subsequently to such entry, from any cause shall have lost, forfeited or abandoned the same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry had not been made, and any person applying for a second homestead or desert-land entry under this act shall furnish a description and the date of his former entry: *Provided*, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry.

See also act of June 5, 1900, sec. 2 (31 Stat., 267); act of May 22, 1902, sec. 2 (32 Stat., 203); and act of Feb. 8, 1908 (35 Stat., 6).

LIMITATION TO 320 ACRES UNDER ALL LAND LAWS, EXCEPTING MINERAL LAWS.

Act August 30, 1890 (26 Stat., 391).
Act March 3, 1891, section 17 (26 Stat., 1095).

FREE HOMESTEADS ON CERTAIN INDIAN LANDS OPENED TO SETTLEMENT.

Act May 17, 1900 (31 Stat., 179).
Act June 26, 1901 (31 Stat., 740).

ADDITIONAL HOMESTEAD ENTRIES.

Act March 2, 1889, section 6 (25 Stat., 854).
Act April 28, 1904, sections 2 and 3 (33 Stat., 527).

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[1] Such suits must be based on a showing of fraud as distinguished from noncompliance with law, and the evidence of fraud must be clear, unequivocal, and convincing, and not a bare preponderance of evidence which leaves the issue in doubt (U. S. *v.* Barber, 194 Fed., 24).

Enlarged Homesteads in Certain States.

Act February 19, 1909 (35 Stat., 639).
Act June 17, 1910 (36 Stat., 531).

Contests and Cancellation of Claim. Preference Right.

Act May 14, 1880, section 2 (21 Stat., 140), as amended by act July 26, 1892 (27 Stat. 270).
Act March 3, 1911, section 2 (36 Stat., 1084).

Commutation Provisions.

Act June 3, 1896, section 2 (29 Stat., 197).
Act May 29, 1908, sections 9 and 10 (35 Stat., 465).

Homestead by Married Woman.

Act June 6, 1900 (31 Stat., 683).

Settlers Who Become Insane.

Act June 8, 1880 (21 Stat., 166).

Leaves of Absence.

Act March 2, 1889 (25 Stat., 864), and various acts of local application.

Final Proof Notices.

Act March 3, 1879 (20 Stat., 472).
Act March 2, 1889, section 7 (25 Stat., 854).

Distinction Between Offered and Unoffered Lands Abolished.

Act May 18, 1898 (30 Stat., 418).

Relinquishments.

Act May 14, 1880 (21 Stat., 140).

General Provisions of the Homestead Laws Extended to Certain Lands in the Yellowstone (now Shoshone) National Forest, etc.

Act March 15, 1906 (34 Stat., 62).

Homesteads in Former Siletz Indian Reservation.

Act August 15, 1894 (28 Stat., 286, p. 326).
Act March 4, 1911 (36 Stat., 1356).

Homestead Laws Extended to Alaska, with Modifications, etc.

Act May 14, 1898, section 1 (30 Stat., 409), as amended by act March 3, 1903 (32 Stat., 1028).

Lands in the Black Hills Forest Reservation, Settled upon and Improved before September 19, 1898, may be Entered Under the Homestead Laws, etc.

Sundry civil appropriation act of March 3, 1899 (30 Stat., 1074, p. 1095).

Decisions under the Homestead Laws.

Lands subject to settlement and entry.—Land not susceptible of cultivation or other agricultural use can not be entered under the homestead law; and an affidavit charging such facts is sufficient basis for a hearing. (Davis *v.* Gibson, 38 L. D., 265.)

Land which is so mountainous, rough, broken, heavily timbered, and of such poor quality that it is impossible of cultivation is not subject to homestead entry. (Winninghoff *v.* Ryan, 40 L. D., 342.)

The fact that land is covered with valuable timber does not exclude it from entry under the homestead law, where of such character that it would be suitable for agricultural use if the timber were removed; but land of a character not adaptable to any agricultural use is not subject to homestead entry. (Finley *v.* Ness, 38 L. D., 394; see also Davis *v.* Gibson, 38 L. D., 265.

Lands having little or no agricultural value and chiefly valuable as containing the entrance to an extensive and beautiful cavern is not enterable under the homestead laws by one whose acts show that he desires the land for the control of the cavern and not for a bona fide agricultural home. (South Dakota Min. Co. *v.* McDonald, 30 L. D., 357.)

Qualifications of entrymen.—Section 2289 of the Revised Statutes specifically declares that one who is the proprietor of more than 160 acres of land is disqualified to make homestead entry, and the Land Department is therefore without power of invoking the maxim de minimis non curat lex to hold so qualified one who owns more than 160 acres, notwithstanding the excess may be less than 1 acre. (In this case homestead entryman owned 160 acres and a town lot 50 by 142 feet.) (Sorli *v.* Berg, 40 L. D., 259.)

One who enters into an oral agreement to purchase land and makes part payment of the purchase price is not the proprietor of land within the meaning of the provisions of the homestead law declaring disqualified to make homestead entry one who is the proprietor of more than 160 acres where under the laws of that State such oral agreement and part payment do not constitute such part performance as will take the contract out of the statute of frauds. (Earhart *v.* Rein, 38 L. D., 613.)

Heirs.—On the death of a homesteader leaving widow and heirs the widow takes the homestead right of her husband free from any claim on behalf of the heirs, and is vested with full power to complete the entry for her own benefit, or relinquish the same, if she so elects. (Steberg *v.* Hanelt, 26 L. D., 436.)

On the death of the entryman, the right goes to the widow, or in case of her death, to the heirs or devisee, who may complete the entry by either residing on the land or cultivating the same for the required period, but need not do both. (Heirs of Stevenson *v.* Cunningham, 32 L. D., 650; see also Meeboer *v.* Heirs of Schut, 35 L. D., 335.)

The heirs of a deceased homestead entryman, who during his lifetime failed to comply with the law, may complete the entry by either residing upon or cultivating the land for the full period of five years, if sufficient of the lifetime of the entry remains for that purpose; or may commute upon a showing of residence and cultivation for a period of 14 months but can not commute upon a showing of cultivation alone. (Wilson *v.* Heirs of Smith, 37 L. D., 519.)

Upon the death of an entryman those upon whom the statute casts the right to perfect title under the entry are merely required to continue cultivation and improvement of the land, so that failure to cultivate in any given year subjects the entry to contest and possible cancellation. (Hon *v.* Martinas, 41 L. D., 119.) This case overrules Heirs of Stevenson *v.* Cunningham, Meeboer *v.* Heirs of Schut, and Wilson *v.* Heirs of Smith, *supra*, so far as in conflict.

Squatters on unsurveyed lands.—Settlements may be made under the homestead laws by all persons qualified to make either an original or a second homestead entry, * * * and in order to make settlement a settler must personally go upon and improve or establish residence on the land he desires. By making settlement in this way, the settler gains the right to enter the land settled upon as against all other persons, but not as against the Government, should the land be withdrawn by it for other purposes. (Par. 4, Suggestions to Homesteaders and Persons Desiring to Make Homestead Entries, approved Apr. 20, 1911.)

The qualifications requisite on the part of a homesteader must exist at the date of entry and if, after settlement and prior to entry, the settler for any reason becomes disqualified, the privilege gained by settlement is lost. (Brown *v.* Cagle, 30 L. D., 8.)

The widow of a homestead settler who had not prior to his death established bona fide residence on the land must thereafter both reside on and cultivate the land in her own right at least in the presence of a forest withdrawal. (Susan A. Leonard, 40 L. D., 429.)

Residence.—The object of the homestead laws is the donation of public lands to persons seeking to establish and maintain agricultural homes thereon, conditioned upon actual occupancy of the same as a home, and cultivation and improvement of the land; and mere occasional visits to the claim do not meet the requirements of the law. (Oscar O. Reeg, 40 L. D., 206.)

The homestead law contemplates a continuous compliance both as to residence and cultivation, beginning with the date of entry. (Hon *v.* Martinas, 41 L. D., 119.)

The law contemplates that the entryman shall make the land his permanent home to the exclusion of a home elsewhere; and an entry merely for the purposes of a summer home during three or four months of the year while maintaining a home elsewhere the rest of the time is invalid. (George W. Harpst, 36 L. D., 166.)

A homestead entry made with no intention of establishing a permanent, bona fide home upon the land, but merely with a view to submitting a showing sufficient to support commutation, must be canceled, notwithstanding the proof shows full technical compliance with respect to inhabitancy of the land for the period ordinarily required in commutation cases. (Gilbert Satrang, 37 L. D., 683, syllabus.)

Credit for constructive residence during official employment will not be allowed to homestead entrymen appointed to office on or after March 1, 1909. Such credit will be given only to entrymen who establish residence on their claims and are thereafter elected to office. (37 L. D., 449.)

Commutation—Residence.—The purpose of the homestead law is the donation of the public lands to actual settlers seeking to establish bona fide homes thereon, and the provision respecting commutation in no wise changes that purpose, but merely affords a means of commuting further residence to cash in meritorious cases, lawfully initiated and prosecuted to the date of commutation. (Gilbert Satrang, 37 L. D., 683, syllabus.)

Credit for constructive residence during official employment will not be allowed in the commutation of homestead entries. Commutation may be allowed only upon a showing of actual and substantially continuous presence upon the land for the required period. (Ed. Jenkins, 37 L. D., 434.)

The fact that lands may be chiefly valuable for the timber thereon does not exclude them from settlement and entry under the homestead law, but it must clearly appear that the settlement or entry was made in good faith, for the purpose of making the tract a home, and where the entryman in such case submits commutation proof and pays a price to cut short the period of residence required by the homestead law, he invites scrutiny and challenges judgment as to the good faith of his entry. (Patten *v.* Quackenbush, 35 L. D., 561.)

Cultivation.—Cultivation is an essential requisite to compliance with the homestead law, and a hearing may be had on a charge of noncultivation, even when unaccompanied by a sufficient charge of nonresidence. (Norton *v.* Ackley, 29 L. D., 561.)

Under the three-year homestead law a mere breaking of the soil will not meet the terms of the statute, but such breaking or stirring of the soil must also be accompanied by planting or the sowing of seed and tillage for a crop other than native grasses. Circular of July 15, 1912 (41 L. D., 103, 105.)

The homestead law "requires not only bona fide residence upon the land, but actual cultivation. Claimant's cultivation is grossly inadequate to meet the requirements of the law, and in its inadequacy casts further doubt upon the bona fides of the residence. The cutting of wild hay from a homestead entry can not be considered seriously as cultivation of the land. This is particularly true when the part of the land from which the hay was not cut has not been used for grazing purposes; and also when the total cultivation during the life of the entry amounts to not more than half an acre planted to crops and an additional acre

plowed. A pretense of cultivation can not satisfy the requirements of the law any more than a pretense of residence." (Ingelev J. Glomset, 36 L. D., 255.)

The use of land for the raising of hogs is an agricultural use, and where the land is better adapted to that use than tillage of the soil, meets the requirements of the homestead law with respect to cultivation. (George Hathaway, 38 L. D., 33, syllabus.)

Cultivation must be continuous from date of entry. (Hon *v.* Martinas, 41 L. D., 119.)

Contest and protest.—The proviso to section 7 of the act of March 3, 1891, directing issuance of patent where two years have elapsed since issuance of final receipt in the absence of contest or protest, has no application to proceedings by the Land Department in disposing of final proof after the lapse of two years. (Mertie C. Fraganza, 40 L. D., 300.)

In this case there is no individual adverse claimant, but the Government, by its Chief Executive, has claimed the land within the boundaries of said reservation for a specific public purpose (i. e. a forest reservation), excepting only the lands coming within the above category; and the Executive order, reserving the land for a specific public purpose must be held to be at least as effective upon the claims of settlers as would be the adverse claim of one who wished the land for his own use." *Held*, therefore, that a settler who failed to file his application for entry within three months after the plat of survey was filed in the local land office, was precluded from making entry in the presence of an intervening forestry withdrawal. (Joshua L. Smith, 31 L. D., 57; see also Hattie E. Bradley, 34 L. D., 191, 193, and Esther F. Filer, 36 L. D., 360, 363.)

A decision by the Secretary of the Interior that a telegram and letter from a special agent of the General Land Office, alleging fraud in a number of commuted entries and suggesting delay in issuing patents pending further examination, constitutes a "protest" in the meaning of the act of March 3, 1891 (26 Stat., 1099), requiring issuance of patent within two years after final receipt when no "contest or protest is pending," is not reviewable on an application for a writ of mandamus. Fisher *v.* United States ex rel., Grand Rapids Timber Co. (Ct. of Appeals D. C.), 40 L. D., 278.

Section 2 of the act of March 3, 1911 (36 Stat., 1084), validating certain homestead entries in national forests applies to all contests initiated under the act of May 14, 1880, prior to the forestry withdrawal, where cancellation of the entry results therefrom, regardless of whether the cancellation was procured prior or subsequent to the withdrawal. (Sante Fe Pacific R. R. Co., 39 L. D., 611.)

Miscellaneous.—The excepting clause of the Olympic National Forest proclamation ceases to apply in behalf of a settler who fails to make entry or filing for the lands within the time allowed by law. (Arnold Wink, 31 L. D., 47.)

On the relinquishment of a homestead entry within the San Francisco Mountains Forest Reserve, the lands become a part of the forest reserve and are not open to subsequent entry. (E. S. Gosney, 29 L. D., 44.)

Three-year homestead law.—See Circular of July 15, 1912. (41 L. D., 103.)

AGRICULTURAL LANDS IN NATIONAL FORESTS.

Act of June 11, 1906 (34 Stat., 233), to provide for the entry of agricultural lands within forest reserves.

Secretary of Agriculture authorized to list agricultural lands.

The Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Metes and bounds descriptions.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

Secretary of the Interior shall open lands to entry.

Lands shall be advertised.

Plat and field notes to be filed.

Notices shall be posted.

Secretary may survey by metes and bounds.

Commutation clause not applicable.

SEC. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

Additional right given to actual settlers prior to Jan. 1, 1906.

SEC. 3. That all entries under this act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

Entries in Black Hills subject to quartz and lode mining law.

Limitation concerning water rights in Black Hills.

SEC. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota [except the following described townships in the Black Hills Forest Reserve, in Pennington County, South Dakota, to wit: Townships one north, one east; two north, one east; one north, two east; two north, two east; one south, one east; two south, one east; one south, two east; and two south, two east, Black Hills meridian], except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them

Lawrence and Pennington Counties excepted.

Actual settlers before Jan. 1, 1906.

prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

(Section 4 is amended to read as above by the act of February 8, 1907 (34 Stat. 883).)

Settlement before opening is trespass.

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

(The act of May 30, 1908, 35 Stat., 554, provides that the above act "be amended by striking out of section 1 the following words: 'Except the following counties in the State of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.'" It will be noted that while the excepting words are stricken out the names of San Luis Obispo and Santa Barbara Counties are not stricken out).

Certain lands in Lawrence and Pennington Counties, S. Dak., excepted from the operation of section 4 of the act of June 11, 1906, but continued subject to all other provisions of said act. (Act July 3, 1912, 37 Stat., 188.)

Agricultural appropriation act of August 10, 1912 (37 Stat. 269).

Surveys by Forest Service.

For the expenditure under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June eleventh, nineteen hundred and six, and the act of March third, eighteen hundred and ninety-nine, thirty-five thousand dollars: *Provided, however,* That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States Surveyor General, but no land listed under the act of June eleventh, nineteen hundred and six, shall pass from the forest until patent issues.

Listed lands remain in forest until patented.

Agricultural appropriation act of August 10, 1912 (37 Stat. 269).

Segregation of agricultural lands.

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of National Forests that may be opened to settlement and entry under the homestead laws applicable to the National Forests, and the sum of twenty-five thousand dollars is hereby appropriated for the purposes aforesaid.

DECISIONS RELATING TO THE LISTING OF AGRICULTURAL LANDS FOR ENTRY—ACT JUNE 11, 1906 (34 STAT., 233).

The words "chiefly valuable for agriculture," as used in this statute mean merely more valuable for agriculture than for forestry purposes and a listing of the lands involves no determination as to their mineral or nonmineral character. (1 Sol. Op., 188.)

In the act of June 11, 1906, authority to list agricultural lands "not needed for public purposes" means lands not needed for the governmental uses and purposes of the United States and does not extend to a need of the land for summer homes, camping and other methods of recreation. (Memorandum of Solicitor to Secretary of Agriculture, Nov. 8, 1911.)

Lands included in a temporary withdrawal with a view to the creation or enlargement of a National Forest and which are chiefly valuable for agriculture may be listed for entry under this act. (28 Op. Atty. Gen., 424, 522.)

The preference right of settlement and entry given by the act of June 11, 1906, to the person on whose application agricultural lands have been listed for entry with the Secretary of the Interior, ceases upon the elimination of the lands from the National Forest by presidential proclamation or Executive order. "As soon as such lands are restored to the public domain they lose entirely the National Forest status and the act

of June 11, 1906, has no application thereto." (Letter Secretary of the Interior to Secretary of Agriculture, Mar. 16, 1912.)

The decision last above announced is not affected by the provision in the Agricultural Appropriation Act of August 10, 1912 (37 Stat. 269), that "no lands listed * * * shall pass from the forest until patent issues." Taken in connection with the words preceding them, these words mean only that the lands shall not pass by virtue of the listing, and they do not limit the power of the President to eliminate lands by proclamation or Executive order. (Solicitor to the Forester, Aug. 31, 1912.)

Prior to the enactment of the provision quoted in the preceding paragraph, the Comptroller of the Treasury and the Solicitor had both made the following ruling:

Lands once listed under the act of June 11, are segregated from the National Forest and the Forest Service is not authorized to expend its appropriations for surveying the same. (Opinion of Comp. Treas., Oct. 21, 1910 (unpublished); 1 Sol. Op., 363.)

Lands within a National Forest listed under the act of June 11, 1906, are not subject to disposition under the enlarged homestead act of February 19, 1909 (35 Stat. 639). (Burtis F. Oatman, 39 L. D. 604).

MINING LAWS.

Basic Provisions of the Mining Laws Most Generally Affecting Forest-service Work.

UNITED STATES REVISED STATUTES.

Mineral land reserved.

Sec. 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Mineral lands open to purchase by citizens.

Sec. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Length of mining claims upon veins or lodes.

Sec. 2320. Mining claims upon veins or lodes of quartz or other rocks in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other.

Locators' rights of possession and enjoyment.

Sec. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies

Extra-lateral rights.

inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

Owners of tunnel sites.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Regulations made by miners.

SEC. 2324. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim.

Marking boundaries.

Annual labor.

On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his co-owners who have made the required expenditures. [*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two. Amendment of Jan. 22, 1880, 21 Stat., 61.]

Patents for mineral lands, how obtained.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter,

having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter. [*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits. Amendment of Jan. 22, 1880, 21 Stat., 61.]

Description of mining vein or lode claims.

SEC. 2327. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the surveyors general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto. (As amended April 28, 1904 (33 Stat., 545).)

Patents to conform to official monuments.

Monuments to govern descriptions.

Conformity of placer claims to surveys, limit of.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions,

and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

Subdivisions of 10-acre tracts; maximum of placer locations.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

Conformity of placer claims to surveys, limitations of claims.

SEC. 2331. Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or preemption purposes.

What evidence of possession, etc., to establish a right to a patent.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

Patents for nonmineral lands, etc.

SEC. 2337. Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section.

Act of January 31, 1901 (31 Stat., 745), extending mining laws to saline lands.

Mining laws extended to saline lands.

That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided*, That the same person shall not locate or enter more than one claim hereunder.

Act of August 4, 1892 (27 Stat., 548), to authorize the entry of lands chiefly valuable for building stone under the placer mining laws.

Entry of lands chiefly valuable for building stone under the placer-mining laws.

That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer-mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act.

Act of February 11, 1897 (29 Stat., 526), to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States.

Entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws.

That any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: *Provided*, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof.

Other Provisions of the Mining Laws.

Proof of citizenship. (Rev. Stat., sec. 2321.)

Proceedings on adverse claim. (Rev. Stat., sec. 2326; act Mar. 3, 1881, 21 Stat., 505; act Apr. 26, 1882, 22 Stat., 49.)

Pending applications, existing rights preserved. (Rev. Stat., sec. 2328.)

Veins within placer claims. (Rev. Stat., sec. 2333.)

Intersecting veins. (Rev. Stat., sec. 2336.)

Local legislation for working, drainage, etc. (Rev. Stat., sec. 2338.)

Rights to water and ditches confirmed. (Rev. Stat., sec. 2339.)

Patents, etc., subject to vested rights of way and water rights. (Rev. Stat., sec. 2340.)

Homesteads on lands classed as mineral. (Rev. Stat., sec. 2341, 2342.)

Mineral laws not applicable to Michigan, Wisconsin, Minnesota, Missouri, and Kansas. (Rev. Stat., sec. 2345; act May 5, 1876, 19 Stat., 52.)

Mineral laws extended over Wichita lands, Oklahoma. (Act of Mar. 2 1895, 28 Stat., 876.)

Expenditures in tunnels applicable to lodes. (Act of Feb. 11, 1876, 18 Stat., 315.)

Mining Laws in Alaska.

Mining laws extended; mining districts, records, etc. (Act of May 17, 1884; sec. 8, 23 Stat., 24; act June 6, 1900, secs. 15 and 26, 31 Stat., 321, 326, 330.)

Mining rights extended to native citizens of Canada. (Act of May 14, 1898, 30 Stat., 415.)

Labor and improvements. (Act of Mar. 2, 1907, 35 Stat., 1243.)

Extension of time for filing adverse claims and suits. (Act of June 7, 1910, 36 Stat., 459.)

Amendments and modifications of mining laws in Alaska. (Act of Aug. 1, 1912, 37 Stat., 242.)

Decisions Under the Mining Laws.

As to when mining claims are part of the National Forest lands, see footnote, page 6, ante.

Rights of locators or owners.—Under the act of June 4, 1897, authorizing the location of mining claims within forest reserves the rights of the locator are substantially the same as those of a locator on the public lands under section 2322, Revised Statutes. (United States *v.* Rizzinelli (C. C. D., Idaho), 182 Fed., 675.)

The owner of a mining claim has the right of exclusive possession and enjoyment, but for mining purposes alone (citations infra.). Prior to patent he can not maintain a liquor saloon on his claim (United States *v.* Rizzinelli, 182 Fed., 675); or sell timber or hay therefrom (Teller *v.* United States, 113 Fed., 273; 1 Sol. Op., 188.) Nor, on the other hand, can the Secretary of Agriculture authorize any use of the claim, even for purposes foreign to mining, against the objection of the

owner, but if the latter waives his right of exclusive possession by arrangement with a power permittee, the power permit becomes effective on the land, and the Government may impose a charge for its use. (2 Sol. Op., 763; see also 2 Sol. Op., 865.)

Where, however, timber on a mining claim, by reason of insect infestation, is a menace to the surrounding National Forest timber, the Government may sell it. (Lewis *v.* Garlock—United States, intervenor, 168 Fed., 153.)

Powers and duties of Land Department.—The Government is a party in interest in every case involving the disposal of the public lands, and when such lands are sought to be acquired under any of the public land laws (in this case the mineral laws), it is not only within the power but it is the duty of the Land Department to see that the lands are disposed of according to law, and not in violation or evasion of the law. (Grand Canyon Ry. Co. *v.* Cameron, 36 L. D., 66.)

Should the question of the character of the land be properly presented at any time before patent, it would manifestly be the duty of the [Interior] Department to ascertain whether or not the land contains "valuable deposits" in an ex parte case or a contest. The fact that a claim is contested would not change the character of the land to be taken under this law. In any event, it must contain "valuable deposits." (The Royal K Placer, 13 L. D., 86–89.)

The Land Department has full authority of its own motion or at the instance of others to inquire into and determine whether mining locations within the National Forests were preceded by the requisite discovery of mineral and whether the lands are of the character subject to occupation and purchase under the mining laws, notwithstanding the locator has not applied for patent; and if the locations are found invalid the lands covered thereby will be administered as part of the National Forest without regard to such locations. (H. H. Yard et al., 38 L. D., 59.)

Lands belonging to the United States can not be lawfully located, or title thereto by patent legally acquired, under the mining laws, for purposes or uses foreign to those of mining or the development of minerals; and should it be shown in case of an application for mineral patent that the claims applied for were not located in good faith for mining purposes, but for the purpose of securing control of a trail upon lands belonging to the United States, susceptible of such control by reason of the surrounding physical conditions, so as to place the claimant in a position to charge for the privilege of using the trail, and thereby to prevent the free and unrestricted use thereof by the public, such claims would be fraudulent from their inception, and patents thereto could not be obtained under the mining laws. (Grand Canyon Ry. Co. *v.* Cameron, 36 L. D., 67.)

Lands subject to mineral entry—Discovery.—If the land contains gold or other valuable deposits in loose earth, sand, or gravel which can be secured with profit, that fact will satisfy the demand of the Government as to the character of the land as placer ground, whatever the incidental advantages it may offer to the applicant for a patent. (United States *v.* Iron Silver Mining Co., 128 U. S., 673, 684.)

To sustain an application for mineral patent, as against persons alleging the land to be nonmineral, it must appear that mineral exists in quantity and value sufficient to subject it to disposal under the mining laws. In other words, the land must be shown to contain valuable deposits of mineral, which means more than a mere discovery that might be sufficient to support a location in the first instance. (Brophy *v.* O'Hare, 34 L. D., 596.)

Under the established rule that when public land is sought to be taken out of the category of agricultural lands the evidence of its mineral character should be reasonably clear, the finding of colors of gold, even though fairly good prospects of gold, in placer prospecting, is not sufficient to establish the mineral character of the ground and sustain a mineral location thereof as against a prior entry under the homestead laws. (State *v.* Tanana Mines R. Co., 148 Fed., 678, syllabus.)

Land not shown to contain valuable minerals of the kinds usually developed by mining operations, but which is chiefly valuable because it controls the entrance to a cavern containing crystalline deposits,

specimens of which are sold for profit, is not subject to location under the mineral laws. (South Dakota Mining Co. *v.* McDonald, 30 L. D., 357.)

While the statute does not prescribe what is necessary to constitute a discovery under the mining laws of the United States, it is essential that it gives reasonable evidence of the fact either that there is a vein or lode carrying precious minerals, or if it be claimed as placer ground that it is valuable for such mining; and where there is not enough in what a locator claims to have seen to justify a prudent person in the expenditure of money and labor in exploitation this court will not overthrow a finding of the lower court that there was no discovery. (Chrisman *v.* Miller, 197 U. S., 313, syllabus.)

The exposure of substantially worthless deposits on the surface of a lode mining claim; the finding of mere surface indications of mineral within its limits; the discovery of valuable mineral deposits outside the claim, or deductions from established geological facts relating to it, one or all of which matters may reasonably give rise to a hope or belief, however strong it may be, that a valuable mineral deposit exists within the claim, will neither suffice as a discovery thereon, nor be entitled to be accepted as the equivalent thereof. (East Tintic Consolidated Mining Claim, 40 L. D., 271.)

The exposure of substantially valueless deposits on the surface of a lode mining claim, in themselves insusceptible of practical development, but which taken in connection with other established geological and mineralogical conditions in the district lead to the hope or belief that a valuable mineral deposit exists within the claim, does not constitute the discovery of a vein or lode within the meaning of the law nor afford a valid basis for a lode location. (Rough Rider and other Lode Claims, 41 L. D., 243.)

Country rock in which it is claimed "kidneys" of copper ore may be expected to be found, is not itself a lode within the meaning of the mining laws, and the exposure of such rock within the limits of a lode claim, which may or may not contain mineral, does not constitute the discovery of a vein or lode within the meaning of the law, and is not a sufficient basis to support a lode location. (Rough Rider and other Lode Claims, 41 L. D., 255.)

The location of a lode mining claim must be supported by the discovery of the vein or lode within the limits of the claim located; and the exposure of substantially worthless deposits on the surface of a claim, which from observation and geological inference are supposed to indicate that other and unconnected veins or lodes lie at a greater depth, does not constitute a discovery within contemplation of the law, and is not a sufficient basis for a valid location. (East Tintic Consolidated Mining Co. (on rehearing), 41 L. D., 255.)

Vein or lode "as used in the acts of Congress is applicable to any zone or belt of mineralized rock lying within boundaries clearly separating it from the neighboring rock." "In general, it may be said that a lode or vein is a body of mineral or mineral body of rock, within defined boundaries, in the general mass of the mountain." (Iron Silver Mining Co. *v.* Cheesman, 116 U. S., 529, 534.)

Discovery is a prerequisite to initiation of title under the mining laws. (Bakersfield Fuel & Oil Co., 39 L. D., 460.)

To constitute a valid discovery upon a lode mining claim for which patent is sought there must be actually and physically exposed within the limits thereof a vein or lode of mineral-bearing rock in place, possessing in and of itself a present or prospective value for mining purposes. (East Tintic Consolidated Mining Claim, 40 L. D., 271; see also Waskey *v.* Hammer, 223 U. S., 85.)

Deposits of slate, which do not carry deposits of any other valuable mineral, when found in quantity and quality sufficient to render the land more valuable on that account than for agricultural purposes, are subject to appropriation under the placer mining laws. (Roy McDonald et al., 40 L. D., 7.)

Valuable deposits of onyx in well-defined fissures in rock in place are subject to appropriation under the lode mining laws. (Utah Onyx Development Co., 38 L. D., 504.)

The act permitting entry under the placer mining laws of lands chiefly valuable for building stone applies only to deposits of stone of special or peculiar value for structural work, such as the erection of houses, office buildings, and such other recognized commercial uses as demand and will secure the profitable extraction and marketing of the product. It does not apply to stone suitable only for building foundations, fences, abutments, or other rough work and which is widely distributed over large regions of territory. (Ex parte Stanislaus Electric Power Co., decision of Secretary of the Interior, Sept. 4, 1912; unpublished as yet.)

A deposit of clay suitable for use in the manufacture of Portland cement does not render the land containing it subject to disposition under the placer mining laws. (Battancourt *v.* Fitzgerald, 40 L. D., 620.)

A deposit of brick clay is not mineral within the meaning of the mining laws. (King et al. *v.* Bradford, 31 L. D., 108.)

Deposits of gravel and sand, suitable for mixing with cement for concrete construction, but having no particular property or characteristic giving them special value, and deriving their chief value from proximity to a town, do not render the land in which they are found mineral in character within the meaning of the mining laws, or bar entry under the homestead laws, notwithstanding the land may be more valuable on account of such deposits than for agricultural purposes. (Zimmerman *v.* Brunson, 39 L. D., 310.)

A placer location of 160 acres made by eight persons, which is invalid for lack of discovery, can not be perfected after its transfer to a single individual by a subsequent discovery. (H. H. Yard et al., 38 L. D., 59.)

A single discovery of mineral sufficient to authorize the location of a placer claim does not conclusively establish the mineral character of all the land included in the claim, and the question as to the character of the land is open to investigation by the land department at any time until patent issues. (American Smelting & Refining Co., 39 L. D., 299.)

In determining the character of land embraced in a placer location, 10-acre tracts, normally in square form, are the units of investigation and determination, and if any such area is found to be nonmineral it should be eliminated from the claim. (American Smelting & Refining Co., 39 L. D., 299.)

Location and boundaries—Conflicts—Errors of description.—The position of conflicting mining claims and their positions with relation to each other, must be determined as the claims are defined and established on the ground, and all errors of description must give way thereto. (United States Mining Co. *v.* Wall, 39 L. D., 546.)

Improvements.—Labor and improvements are deemed to have been made upon a mining claim, whether it consists of one location or several, when the labor is performed or the improvements are made for its development—that is, to facilitate the extraction of the metals—though in fact such labor and improvements may be on ground which originally constituted only one of the locations, as in sinking a shaft, or at a distance from the claim itself, as where the labor is performed for the turning of a stream or the introduction of water, or where the improvement consists in the construction of a flume to carry off the débris or waste material. (Smelting Co. *v.* Kemp, 104 U. S., 636, 655; Copper Glance Lode, 29 L. D. 542.)

Labor or improvements to be credited toward meeting the requirements of the statute as to expenditures on a mining claim must actually promote or directly tend to promote the extraction of mineral from the land, or forward or facilitate the development of the claim as a mine or mining claim, or be necessary for its care or the protection of the mining works thereon or pertaining thereto. (Highland Marie and Manilla Mining Claims, 31 L. D., 37.)

An expenditure of $500 in labor or improvements to be available as a basis for patent to a mining claim must have been made upon or for the benefit of the location for which patent is sought; and the work performed upon and for the benefit of a 20-acre placer location is not available as a patent expenditure for the benefit of a maximum location of

160 acres by eight persons embracing the 20-acre location and 140 acres of entirely new ground. (Charles H. Head et al., 40 L. D., 135).

In determining whether the requisite expenditure of $500 in labor or improvements has been made upon a mining claim for which patent is asked, the proper test is whether the reasonable value of the work performed or improvements relied upon amounts to that sum. Proof of the actual amount paid or of the actual number of days spent in prosecution of such work is not conclusive. (Samuel B. Beatty et al., 40 L. D., 486).

Improvements made prior to the location of the mining claim or claims to which their value is sought to be accredited are not available toward meeting the requirements of the statute relative to expenditures. (Tough Nut No. 2 and Other Lode Claims, 36 L. D., 9.)

No part of a wagon road lying partly within and partly without the limits of a group of mining claims constructed and used for the purpose of transporting machinery and supplies to and ore from the group is available toward meeting the requirement of the statute respecting expenditures prerequisite to patent. (Fargo Group No. 2 Lode Claims, 37 L. D., 404).

Mill site.—The continued use or occupancy for mining or milling purposes is necessary to maintain a valid mill-site location. Weber *v.* Carroll, unreported; decided by the Secretary of the Interior, January 16, 1905.

A mill-site location may be contiguous with the side of a lode claim. (Yankee Mill Site, 37 L. D., 674.)

A mill site is required to be used or occupied distinctly and explicitly for *mining* or *milling* purposes in connection with the lode claim with which it is associated * * *. Some step in or directly connected with the process of *mining* or some feature of *milling* must be performed upon or some recognized agency of operative *mining* or *milling* must occupy the mill site at the time patent thereto is applied for to come within the purview of the statute. (Alaska Copper Co., 32 L. D., 128.)

MINERAL SPRINGS AND LANDS ADJACENT.

Act of February 28, 1899 (30 Stat., 908), to authorize the Secretary of the Interior to rent or lease certain portions of forest reserves.

Leasing of lands adjacent to mineral springs.

The Secretary of the Interior * * * hereby is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any forest reserves established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of the Interior is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this act.

Decisions Relating to Mineral Springs.

The waters of mineral, medicinal, and saline springs on the public domain are under the sole control of the United States, as a land owner, and are not subject to appropriation under State laws or to the riparian right to continued flow. (2 Sol. Op., 951.)

Authority to administer the act of 1899 as to springs and lands in the national forests passed to the Secretary of Agriculture under the forest transfer act of February 1, 1905. (Same.)

The act of 1899 is exclusive, and no permits can be granted under the forest administrative act of June 4, 1897. (Same.)

The said act does not authorize a lease of the springs themselves or the granting of special privileges therein. Nor does it contemplate a lease of all the available hotel or sanitarium sites to one party. (Same.)

The mineral springs act of February 28, 1899, extends to national forests in Alaska. (2 Sol. Op., 870.)

National forest lands in Alaska surrounding hot or mineral springs, and which have been withdrawn by the President under the act of June 25, 1910, can not be leased under the act of February 28, 1899, or their use permitted under the act of June 4, 1897, while the withdrawal remains in force. (2 Sol. Op., 870.)

COAL-LAND LAWS.

Basic Provisions.

UNITED STATES REVISED STATUTES.

Entry of coal lands.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Preemption of coal lands.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Preemption claims of coal land to be presented within 60 days, etc.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Only one entry allowed.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Conflicting claims.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen

hundred and seventy-three, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Rights reserved.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

SURFACE PATENTS ON GOOD-FAITH ENTRIES OF COAL LANDS.

Act of March 3, 1909 (35 Stat., 844), for the protection of the surface rights of entrymen.

AGRICULTURAL ENTRY FOR SURFACE OF LANDS CLASSIFIED OR WITHDRAWN AS COAL LANDS. (NOT APPLICABLE TO ALASKA.)

Act of June 22, 1910 (36 Stat., 583), to provide for agricultural entry of coal lands.
Act of April 30, 1912 (37 Stat., 105) supplementing above.

COAL-LAND LAWS EXTENDED TO ALASKA.

Act of June 6, 1900 (31 Stat., 658).

AMENDMENTS TO COAL-LAND LAWS IN ALASKA.

Act of April 28, 1904 (33 Stat., 525).
Act of May 28, 1908 (35 Stat., 424).

DECISIONS UNDER THE COAL-LAND LAWS.

COAL LANDS.

Coal lands are mineral lands within the meaning of the act of June 4, 1897, and as such are subject to entry, when found in forest reserves, the same as other mineral lands within such reserves. (T. P. Crowder, 30 L. D., 92; see also Brown *v.* N. P. R. R. Co., 31 L. D., 29.)

Citizens in need of coal for their own use, who have not initiated claims under coal-land laws, have no authority to take any coal from National Forest lands, either with or without a permit from the Secretary of Agriculture. (1 Sol. Op., 477.)

The act of April 28, 1904 (33 Stat., 525), amending the coal-land laws, as theretofore extended to Alaska, did not remove the restriction as to the quantity of such lands enterable by one person or association, but merely provided a method by which unsurveyed coal lands in Alaska could be acquired subject to the limitations of the general coal-land laws. (The Cunningham claims (United States *v.* Schofield et al.); decision of Commissioner of the General Land Office of June 21, 1911, affirmed and adopted by Interior Department, Aug. 29, 1912.)

Open cuts and tunnels made merely for the purpose of ascertaining whether a group of claims contains coal and not with the intent to develop operating mines do not satisfy the statutory requirement as to opening and improving. (Same.)

Persons who file declaratory statements and then abandon them without valid cause or excuse are disqualified to make new entries. (Same.)

The benefits of the act of May 28, 1908, authorizing the consolidation of claims or locations of coal lands in Alaska, can be shared only by persons who made such locations in good faith—that is, honestly and lawfully—prior to November 16, 1906, in their own interests individually, without fraud, collusion, or deceit, or any purpose to violate any provision of the law. (Op. Atty. Gen., 38 L. D., 86.)

An individual or association expending time and money in an honest effort to open and develop coal deposits is not a trespasser and is entitled to the coal extracted as an incident to the reasonable prosecution of the work. (Ghost *v.* United States (C. C. A. Eighth Circuit), 168 Fed., 841.)

It is unlawful for a corporation, some of whose stockholders have made coal entries, to acquire coal lands in excess of 320 acres as the result of a scheme whereby some of its officers and employees make entries in their own names but for its benefit and at its expense, and, after securing patents, convey the lands to the corporation. An incorporated company is an "association of persons," in the meaning of the coal-land laws. (United States *v.* Trinidad Coal Co., 137 U. S. 160.)

TIMBER AND STONE LAWS.

Act of June 3, 1878 (20 Stat., 89) for the sale of timberlands.

Surveyed timber and stone lands may be sold.

That surveyed public lands of the United States within the (public land [1]) States, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale,[2] according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Existing claims preserved.

Patents to be subject to rights of way.

Mode of procedure.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belonged to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal

[1] Amendment of Aug. 4, 1892 (27 Stat., 348).

[2] The distinction between offered and unoffered lands was abolished by the act of May 18, 1898 (30 Stat., 418), as to homestead and timber and stone entries.

subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office. * * *

Limitation to 320 Acres Under all Land Laws Excepting Mineral Laws.

Act of August 30, 1890 (26 Stat., 391).
Act of March 3, 1891, section 17 (26 Stat., 1095).

Decisions under the Timber and Stone Laws.

Regulations under the Timber and Stone Law including method of appraisement (37 L. D., 289).

An Executive order reserving lands for forestry purposes has the same effect, as against an application to purchase under the timber and stone laws, as adverse claim of an individual. (Hattie E. Bradley, 34 L. D., 191.)

Where an applicant fails to submit proof on the day fixed in the published notice, or, in case of accident or unavoidable delay causing default, within 10 days thereafter, a forestry withdrawal theretofore made immediately attaches and becomes effective on the land regardless of the fact that the applicant, within such 10-day period, has filed application to readvertise notice of intention to submit proof. (Same; see also M. Edith Curtis, 33 L. D., 265.)

An agreement or contract made by a timber and stone entryman, prior to final proof and the issuance of certificate for the sale of the timber on the land, is a violation of the provisions against speculative entry for the benefit of another. (Granville M. Boyer, 34 L. D., 581.)

After full payment of the purchase price and the issuance of final certificate under the timber and stone laws, the land department is without jurisdiction except to determine whether the land was subject to entry and whether the entryman was qualified to make the entry and had in all respects complied with the law; and a subsequent withdrawal for power purposes is unauthorized and does not warrant the withholding of patent. (Charles W. Pelham, 39 L. D., 201.)

The entire management of these entries was in the hands of an agent of the Martin-Alexander Co. It furnished the moneys both for the purchase prices, and all expenses, and it is not easy to believe that it did all this on a mere expectation that after the entries had been made, it would purchase the timber. It is a much more reasonable conclusion that it had an understanding with the parties making the entries respecting purchases and prices. * * * We agree with the Court of Appeals that the testimony points strongly to the fact that the

entries were in pursuance of an understanding or agreement with the Martin-Alexander Co. that, as it was advancing all the money, the entryman should convey to it the standing timber at a fixed price. (United States *v.* Detroit Lumber Co., 200 U. S., 321.)

The act does not in any respect limit the domain which the purchaser has over the land after it is purchased from the Government, or restrict, in the slightest, his power of alienation. All that it denounces is a prior agreement, the acting for another in the purchase. If, when the title passed from the Government, no one save the purchaser has any claim for it, the act is satisfied. Montgomery might rightfully come or send into that vicinity and make known generally or to individuals a willingness to buy timberland at a price in excess of that which it would cost to obtain it from the Government, and any person knowing of that offer might rightfully come to the land office and make application and purchase a timber tract from the Government. (United States *v.* Budd, 144 U. S., 154.)

A person desiring to purchase a large tract of timberlands of the United States may lawfully express such desire to another, and contract with him to purchase the lands and advance money to enable the seller to acquire the land from the entryman, and he is not bound to inquire into the method by which such seller acquires the title, nor chargeable with any fraud therein which would render the patent subject to cancellation, of which he has no actual knowledge. (U. S. *v.* Barber Lumber Co. (C. C. A.), 194 Fed., 24.)

To warrant the cancellation of a patent for lands on account of fraud, the evidence must be clear, unequivocal, and convincing, and it can not be done on a bare preponderance of evidence which leaves the issue in doubt. (Idem.)

Application under the timber and stone act (sworn statement) must be based on a personal examination of the land and not made on information and belief or by agent. (Ness *v.* Fisher, 223 U. S., 683; see also case of Frank L. Chambers et al., 40 L. D., 85.)

Section 1 of the act of March 3, 1911, authorizing the reinstatement of homestead entries canceled or relinquished because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes makes no provision for the reinstatement of canceled timber and stone entries. (Albert L. Knight, 41 L. D., 261.)

DESERT-LAND LAWS.

Act March 3, 1877 (19 Stat., 377).

Who may enter.

That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty-five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section,[1] by conducting water upon the same, withinthe period of three years[2] thereafter: *Provided, however*, That the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years[2] after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon

Water for irrigation.

When patent issues.

[1] Limited to 320 acres by act next following, section 7.
[2] Extended to four years by act next following, section 7.

the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him: *Provided*, That no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres, which shall be in compact form.

What are desert lands.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert land, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

Law applicable only in certain States.

SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Act March 3, 1891 (26 Stat., 1095), amending desert land law.

SEC. 2. That an act to provide for the sale of desert lands in certain States and Territories, approved March third, eighteen hundred and seventy-seven, is hereby amended by adding thereto the following sections:

Maps showing mode of irrigation.

"SEC. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections or fractional parts of sections of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

Expenditure of $3 per acre required.

"SEC. 5. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least three dollars per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid, the party so entering shall expend not less than one dollar per acre for the purposes aforesaid; and he shall in like manner expend the sum of one dollar per acre during the second and also during the third year thereafter, until the full sum of three dollars per acre is so expended. Said party shall file during each year with the register, proof, by the affidavits of two or more credible witnesses, that the full sum of one dollar per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid, the lands shall revert to the United States, and the twenty-five cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of three dollars per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land.

Proof of expenditures.

Cultivation.

Existing rights preserved; election.

"SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March third, eighteen hundred and seventy-seven, but all bona fide claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been

passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed.

When patent issues.

"SEC. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of one dollar per acre for said land, a patent shall issue therefor to the applicant or his assigns; but no person or association of persons shall hold, by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands; but this section shall not apply to entries made or initiated prior to the approval of this act: *Provided, however,* That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceeding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor shall be forfeited to the United States.

320-acre limitation.

Proofs and contests.

Desert-land laws extended to Colorado.

"SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located."

LIMITATIONS AND RESTRICTIONS—EXTENSION OF TIME.

Act of March 28, 1908 (35 Stat., 52).

Desert-land laws restricted to surveyed lands.

That from and after the passage of this act the right to make entry of desert lands under the provisions of the act approved March third, eighteen hundred and seventy-seven, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however,* That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office.

Preference rights.

Assignments restricted.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized.

Extension of time.

SEC. 3. That any entryman under the above acts who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not

to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof, as required by said acts, of the completion of said work.

Second Desert-Land Entries.

Act of March 26, 1908 (35 Stat., 48).
Act of February 3, 1911 (36 Stat., 896).

Limitation to 320 Acres Under all Land Laws, Excepting Mineral Laws.

Act of August 30, 1890 (26 Stat., 391).
Act of March 3, 1891, section 17 (26 Stat., 1095).

Secretary of Interior Authorized to Grant Further Time for Making Final Proof.

Act of April 30, 1912 (37 Stat. 106).

Decisions Under the Desert-Land Laws.

Land that produces a natural growth of timber is not subject to desert entry, and it is immaterial whether such timber is of value or not. (15 L. D., 271.)

Lands that, one year with another, for a series of years will not without artificial irrigation produce reasonably remunerative crops are desert within the meaning of the desert land law. (Penderson *v.* Parkinson, 37 L. D., 522.)

Lands situated within a notoriously arid or desert region, and themselves previously desert within the meaning of the desert land law, do not necessarily lose their character as desert lands merely because of unusual rainfall for a few successive seasons their productiveness was increased and larger crops were raised thereon; and under such circumstances a strong prepoderance of evidence will be required to take them out of the class of desert lands. (Same.)

One who makes desert entry of such lands must, however, clearly show, in submitting proof, not only that he has the right to a sufficiency of water to successfully irrigate the lands, and that the system of ditches is adequate for that purpose, but also that the necessary supply of water has been actually used on said lands in a manner to prove the beneficial results. (Same.)

SCHOOL LANDS.

Decisions as to School Lands in National Forests.

Title to school sections does not pass until approval of the survey by the General Land Office, and a forestry withdrawal between the date of actual survey in the field and the date of such approval, prevents the vesting of title and the selection of lieu lands under the act of June 4, 1897. (F. A. Hyde & Co., 37 L. D., 164.)

School sections surveyed before inclusion within the boundaries of a National Forest have vested in the State, and are not affected by the forestry proclamation. The State is not empowered to select other lands in place of such sections under Revised Statutes, sections 2275, 2276, as amended by the act of February 28, 1891. (Hibberd *v.* Slack, 84 Fed., 571.)

In Montana, Washington, North and South Dakota, a forestry withdrawal prior to survey makes a school section a part of the National Forest so long as the reservation continues, but the State may, if it choose, take indemnity. (State of Montana, 38 L. D., 247.)

Under the grants to North and South Dakota, Montana, and Washington (act Feb. 22, 1889, 25 Stat., 676), the States take no right until the lands are surveyed. (Clemmons *v.* Gillette, 33 Mont., 821; 83 Pac., 879; *Contra* State *v.* Whitney, 120 Pac., 116.)

The State of Idaho can not authorize the cutting of timber from unsurveyed school sections. (United States *v.* Bonners Ferry Lumber Co., 184 Fed., 187.)

The acts of Congress "reserving" sections 16 and 36 for the Territory of Arizona did not vest any title in the Territory, even after survey, but such sections remain subject to the plenary power of disposal by Congress. (2 Sol. Op., 793.)

The provisions in the enabling act of New Mexico, that the grants of sections 2, 16, 32, and 36 within National Forests shall not vest title in the State while the National Forests continue to exist, and that said sections "shall be administered as a part of said forests," fixes and controls the status of all these sections, notwithstanding the previous grant of sections 16 and 36 to the Territory. (2 Sol. Op., 848.)

School sections in National Forests in New Mexico are subject to administration by the Forest Service, whether surveyed or unsurveyed, and the title remains in the United States so long as the forests exist. (2 Sol. Op., 863.)

An application by the governor of a State for the survey of public lands for purposes of selection under the provisions of the act of August 18, 1894 (28 Stat., 394), and the withdrawal of the lands for that purpose by the Secretary of the Interior, does not prevent the President from including the lands in a National Forest and thereby defeating the State's preference right of selection. (27 Op. Atty. Gen., 605.)

Such application for survey and the withdrawal thereon do not constitute a "legal entry," a "lawful filing," or a "valid settlement" in the meaning of the exceptions contained in a forestry proclamation. (Id., 605.)

LIEU SELECTIONS.

The act of June 4, 1897, authorizing selections of land in lieu of those embraced in forest reserves was repealed by the act of March 3, 1905. (33 Stat., 1254.)

A pending unapproved application to make forest lieu selection will not prevent withdrawal of lands embraced therein for the purpose of reserving the power sites thereon for public uses. (Sherar *v.* Veazie, 40 L. D., 549.)

An application to make forest lieu selection of unsurveyed lands not identified with reference to natural boundaries or monuments or such markings upon the ground as would constitute notice to intending settlers is no bar to the attachment of rights under the act of May 14, 1880; and while approval of the township plat of survey is an identification of the lands as of the date of such approval, and, by relation, as against the Government, as of the date of the filing of the application, it does not and can not so attach as to cut out intervening adverse settlement claims. (F. A. Hyde et al., 40 L. D., 284.)

Upon approval of an application to make forest lieu selection the the title of the Government to the lands relinquished as base therefor attaches, under the doctrine of relation, as of the date the selection was perfected and entitled to be approved. (A. G. Strain, 40 L. D., 108.)

RAILROAD GRANT LANDS.

Unclassified odd sections within the primary limits of the Northern Pacific Railroad grant, even though not surveyed, form no part of the National Forests within which they lie, and the Forest Service has no power of administration over them. (1 Sol. Op., 79; see also, 1 Sol. Op., 294 and 541.)

Legal title to all odd sections, not mineral, within the 10-mile limit passed to the Central Pacific Railroad Co., upon definite location of its line, without the issuance of patent. (2 Sol. Op., 897.)

The exception of lands returned and denominated as mineral must also be held to operate, as of the date of the definite location of the road. A subsequent survey and return as mineral of lands not mineral in fact would not divest the company's title. (Same.)

The mineral or nonmineral character of lands within the grant limits of the Southern Pacific Railroad Co. can be conclusively determined by the Department of the Interior, either by the issuance of patent upon the Surveyor General's ex parte return as to the character of the lands, or after a hearing properly applied for to test the return of the Surveyor General. (Same.)

A selection by the Northern Pacific Railway Co. under the act of March 2, 1899 (30 Stat., 993), is a "lawful filing" such as excepts the land from a forestry proclamation. Should the selection fail, however, the land would become a part of the National Forest. (1 Sol. Op., 463.)

Neither the railway company nor its assignee has any right to cut timber from an unapproved selection made under that act. (Same.)

Land embraced in a bona fide settlement claim is not subject to selection by the Northern Pacific Railway Co. under the act of March 2, 1899, and a selection allowed for land at the time covered by such claim can not stand notwithstanding the settlement claim may have been subsequently abandoned. (Frank et al. *v.* N. P. Ry. Co. on review, 37 L. D., 502.)

RIGHT OF WAY LAWS.

Deficiency appropriation act of March 3, 1899 (30 Stat., 1214).

Wagon roads, railroads, and other highways.

[1233] In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby.

Highways and Railroads.

UNITED STATES REVISED STATUTES.

Highways.

Sec. 2477. The right of way for the construction of highways over public lands not reserved for public uses is hereby granted.

Act of March 3, 1875 (18 Stat., 482), granting rights of way for railroads.

Right of way for railroads granted through public lands.

The right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

Width of right of way.

Station buildings, etc.

Joint use of canyon, pass, or defile.

Sec. 2. That any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

Equitable division of expense.

Condemnation over private lands and possessory claims.

Sec. 3. That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and, where such provision shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act (to amend an act entitled an act) to aid in the construction of a railroad and telegraph line from Missouri River to the Pacific Ocean, and to secure to the

Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

Filing of map. Surveyed and unsurveyed lands.

SEC. 4. That any railroad company desiring to secure the benefits of this act shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon

Approval.

approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such

Forfeiture.

right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

Not to apply to reservations.

SEC. 5. That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

Amendment and repeal.

SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof.

(This act is made applicable, at least conditionally, to National Forest lands by the act of March 3, 1899, ante, p. 51.)

Sundry civil appropriation act of August 30, 1890 (26 Stat., 371, on p. 391.).

Ditches and canals constructed by authority of Government.

In all patents for lands hereafter taken up under any of the land laws of the United States * * * west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States.

RIGHTS OF WAY FOR WATER FOR IRRIGATION AND POWER DEVELOPMENT.

UNITED STATES REVISED STATUTES.

Water and rights of way for same.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Patents subject to vested rights.

SEC. 2340. All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

Act of March 3, 1891 (26 Stat., 1095), to repeal the timber-culture laws, and for other purposes.

Irrigation rights of way.

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction

Not to interfere with Government occupation of reserves.

of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the

approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Maps to be filed and approved.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Compensation for injury to private rights.

Individuals and associations.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal or ditch shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Rights forfeited by noncompletion of works.

Limitation of use.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch. [See provision next below.]

Act May 11, 1898 (30 Stat., 404).

Additional and subsidiary uses.

SEC. 2. That the rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections eighteen, nineteen, twenty, and twenty-one of the Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation.

Act of May 14, 1896 (29 Stat., 120).

Permissive rights of way.

Electric power.

SEC. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and the forest reservations of the United States, by any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power.

Act of February 15, 1901 (31 Stat., 790), relating to rights of way through certain parks, reservations, and other public lands.

Permissive rights of way.

The Secretary of the Interior * * * is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States and the Yosemite, Sequoia, and General Grant

Electric power, telegraphs, and telephones.

Conveyance of water.

Width of right of way limited.

Permits not granted when incompatible with public interest.

Telegraph and telephones subject to R. S., Title 65.

Licenses revocable.

National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

Forest transfer act of February 1, 1905 (33 Stat., 628).

Rights of way for municipal and mining purposes, etc.

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Agricultural appropriation act of March 4, 1911 (36 Stat., 1235).

Electric transmission lines.

Limited easements.

Reservations.

Forfeiture and annulment.

That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, National Forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, National Forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Permittees may obtain rights hereunder.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Special Legislation Granting Rights of Way.

Act of May 1, 1906 (34 Stat., 163), granting permit, revocable by Secretary for certain causes, to occupy for hydroelectric purposes, lands in San Bernardino, Sierra, and San Gabriel National Forests, Cal. — National Forests in southern California.

Act June 30, 1906 (34 Stat., 801), authorizing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal. — Los Angeles water supply.

Act of May 18, 1898 (30 Stat., 418), granting the Santa Fe & Grand Canyon Railroad Co. right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona. — Santa Fe & Grand Canyon R. R. Co.

Act of June 27, 1898 (30 Stat., 493), granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Co. — Cripple Creek Ry. Co.

Act of July 8, 1898 (30 Stat., 729), granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Co. — Cripple Creek Short Line.

Act of January 10, 1899 (30 Stat., 783), granting the Saginaw Southern Railroad Co. a right of way for railroad purposes through the San Francisco Mountains Forest Reserve. — Saginaw & Southern Ry. Co.

Act of February 28, 1899 (30 Stat., 910), to grant to the Pasadena & Mount Wilson Railway Co. right of way and certain lands for railroad purposes through the San Gabriel Forest Reserve. — Pasadena & Mount Wilson Ry. Co.

Act of June 6, 1900 (31 Stat., 657), to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz. — Flagstaff water supply.

Act of February 25, 1903 (32 Stat., 907), granting the Central Arizona Railway Co. a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona. — Central Arizona Ry. Co.

Rights of Way in Alaska—Railroads, Tramroads, and Wagon Roads.

Act May 14, 1898, sections 2–9 (30 Stat., 409).

Decisions Relating to Rights of Way.

Rights of way for Government uses.—A way of necessity is reserved to the Government where a tract of National Forest land is entirely cut off from a public highway by other lands formerly a part of the public domain. (2 Sol. Op., 973.)

Act of August 30, 1890 (26 Stat., 371, 391), reserves right of way for Government reclamation projects and is valid. (United States *v.* Van Horn, 197 Fed., 611.)

Act of August 30, 1890 (26 Stat., 371, 391), reserves right of way for Governmental purposes only. (Solicitor to Forester, Oct. 3, 1910.)

The Secretary of Agriculture is authorized to acquire, by purchase or condemnation, rights of way for roads needed as outlets for National Forest timber. Such rights of way are not additions to National Forests within the meaning of the prohibition contained in the act of March 4, 1907. (Same.)

Construction of Forest Service telephone lines over unreserved public lands need not be protected by prior reservation of a right of way by the Interior Department, but as a matter of policy a reservation should be requested. (1 Sol. Op., 276.)

The construction and maintenance of roads and trails by the Forest Service upon unsurveyed vacant public lands, although such lands are outside the National Forests, is authorized and such construction and maintenance operates as a reservation of right of way which will not be affected by subsequent sale or disposition of the lands. (1 Sol. Op., 482.)

The consent of the landowner must be secured for the construction of a Forest Service telephone line along a public highway passing over patented land. (1 Sol. Op., 295.)

Powers and discretion of Secretary.—The exercise of the jurisdiction of the Secretary of the Interior over applications for rights of way within reservations under these acts involves more than a mere legal discretion and he should look beyond the mere technical sufficiency of the application and in a broad view subserve the interests of the whole people. (California-Nevada Canal, Water & Power Co., 40 L. D., 380.)

"Under act March 3, 1891, c. 561, §§18, 19, 26, Stat. 1101, 1102 (U. S. Comp. St., 1901, pp. 1570, 1571), granting right of way for irrigating canals, ditches, and reservoirs over the public lands to irrigation companies, upon the filing of a map thereof and its approval by the Secretary of the Interior, such approval is essential, and where it was

refused as to a reservoir because the site had been previously withdrawn from sale or entry and reserved by the United States, the company acquired no right or easement by the filing of its maps." (United States *v.* Rickey Land & Cattle Co. et al., 164 Fed., 496.)

Under the act of March 3, 1891 (26 Stat., 1095), the approval of the Secretary of the Interior is necessary to the acquisition of a right of way over, on, or across a National Forest. (Pope, J., in United States *v.* The Henrylyn Irrigation District, The Inter-Mountain Water Co., and J. A. McIlwee, decided Nov. 25, 1912, district court of the United States for the District of Colorado.)

Railroad rights of way.—The Secretary of the Interior may, under the act of March 3, 1899 (30 Stat., 1233), grant or refuse to grant railroad rights of way through the forest reserves, and, as a condition of making the grant, he may impose conditions, as by requiring the company to execute a bond with sureties binding itself and its successors to pay for any and all damages to the public lands, the timber, natural curiosities, and other public property thereon, from such occupation and use of the reservation. (United States *v.* Bailey, 178 Fed., 302.)

In such a case a receiver of the railroad is its "successor," and the bondsmen will be liable with him in a suit on the bond. (Id.)

On application for a railroad right of way over lands upon which are possible power sites examination should be made to determine whether the lands may be used to the best advantage for power sites or other power purposes, and the question of approving the application will then be determined by considerations of the greatest public good to result from the one or the other use. If the decision is in favor of the power use, the lands will then be withdrawn, unless the road can be so located as not to interfere with future power uses. (Continental Tunnel Ry. Co., 39 L. D., 86; see also Denver & Rio Grande R. R. Co., 39 L. D., 209, and Skagit Power Co., 39 L. D., 89.)

Where a railroad company consents in writing to the location of a store upon its right of way within a National Forest, thus waiving its right to exclusive possession, the Forest Service may issue a permit for such store, thus legalizing the occupancy so far as the Government is concerned. (2 Sol. Op., 790.)

Under the act of March 3, 1875 (18 Stat., 482), granting to railroads the right of way through public lands, such grant took effect upon the construction of the road. (Jamestown & Northern R. Co. *v.* Jones, 177 U. S., 125; Minneapolis, etc. R. Co. *v.* Doughty, 208 U. S., 251; Stalker et al. *v.* Oregon Short Line R. R. Co., 225 U. S., 142.)

A railroad company does not acquire a vested right under the act of March 3, 1875 (18 Stat., 482), over unsurveyed land by filing a map of the route in the local and General Land Offices. (1 Sol. Op., 459.)

No rights are acquired as against the United States until the line has been ascertained by actual construction or the application has been approved by the Secretary of the Interior, and rights initiated subsequent to temporary or permanent withdrawals are subject to such withdrawals. (Same.)

Irrigation rights of way.—Prior to approval by the Secretary of the Interior, the inchoate right acquired by an application for right of way under the act of March 3, 1891, is subject to the power of Congress to deny the right by making other disposition of the lands affected. (Sierra Ditch Water Co., 38 L. D., 547.)

The approval by the Secretary of Agriculture of an application for a right of way under the acts of March 3, 1891, and May 11, 1898, for a reservoir site within a National Forest does not vest an easement in the applicant, but is merely advisory to the Secretary of the Interior and subject to his paramount jurisdiction under his said acts. (California-Nevada Canal, Water & Power Co., 40 L. D., 380.)

Approval of applications for rights of way under the act of March 3, 1891, as amended by the act of May 11, 1898, for primary purposes of irrigation, are subject to all valid existing rights and upon the express condition that the right of way be used for the main purpose of irrigation; that any electrical power or energy developed thereunder is to be primarily used for the purpose of irrigation; and any abandonment or violation of such use, or neglect to comply with the provisions of the law, will work a forfeiture which will be enforced by appropriate pro-

ceedings. (Instructions, case of Pamma Power & Irrigation Co., 39 L. D., 309; see also Kern River Co., 38 L. D., 302.)

Applications for rights of way under the provisions of the act of March 3, 1891, and section 2 of the act of May 11, 1898, will not be allowed except upon a satisfactory showing that the right of way is desired for the primary purpose of irrigation. (Inyo Consolidated Water Co., 37 L. D., 79.)

Whenever in his judgment the granting of a right of way under the act of March 3, 1891, over a national park would interfere with proper occupation of the reservation by the Government, the Secretary of the Interior may withhold his approval therefrom. (Sierra Ditch & Water Co., 38 L. D., 547.)

There is no authority under the irrigation right of way act of March 3, 1891, to require the applicant to keep the reservoir or lake open to the public for fishing purposes. (1 Sol. Op., 174.)

Electric power rights of way.—A company organized chiefly for the purpose of generating and distributing power is not within the purview of the act of March 3, 1891; and where an application by such a company for right of way under that act has been approved, for lands now within a National Forest, the company may be permitted to relinquish all rights under such approval and amend its application to bring it within the act of February 15, 1901, failing to do which, action should be taken by the Land Department with a view to revocation of such approval. (The Kern River Co., 38 L. D., 302.)

A right of way for the development of electric power could not be acquired under the act of 1866 (Rev. Stat., 2339). Congress did not, in that act, contemplate power companies, because none were then in existence. (The Kern River Co., 38 L. D., 302, 309.)

Under the act of February 15, 1901, the Secretary of the Interior may, in his discretion, refuse to approve an application until the applicant files a stipulation to comply with "all laws or regulations now in force or which may hereafter be passed or promulgated." (Decision of Secretary of the Interior of Sept. 16, 1912 (unpublished), in case of Central Colorado Power Co.)

The rights of way granted by section 4 of the Forest Transfer Act are limited to municipal and mining purposes, including the milling and reducing of ores, and an application under it should not be allowed where it appears that the chief purpose for which the right is desired is the generation of power for commercial use and that its utilization for mining operations is merely incidental to such purpose. (Northern California Power Co., 37 L. D., 80.)

A right of way for a ditch for mining purposes, acquired under the act of July 26, 1866, prior to the creation of a National Forest, can not legally be used to convey water for the exclusive purpose of generating hydroelectric power for commercial sale. (2 Sol. Op., 728.)

A right of way for a mining ditch acquired under the act of 1866 prior to the creation of a National Forest is a mere easement, and the lands affected become part of a subsequently created National Forest, subject, however, to the easement for mining purposes. (2 Sol. Op., 728.)

A power permit may be issued for lands embraced in a mining claim, and if by a private arrangement with the power company the mineral claimant waives his right of exclusive possession, this department may collect from the power company the usual charge for the use of such land for power purposes. (2 Sol. Op., 763.)

The approval of a map of right of way under the act of May 14, 1896, confers merely a permission amounting to a personal license revocable by operation of law through transfer or assignment, or expressly by the Secretary. (2 Sol. Op., 925.)

There is no authority in the Secretary of Agriculture to grant a power permit affecting National Forest lands withdrawn by the President as a power site under the act of June 25, 1910. Applications for such permits may, however, be received for submission to the President. (2 Sol. Op., 817.)

The act of February 15, 1901, authorizing the granting of revocable power permits, etc., does not extend to Alaska, (2 Sol. Op., 803), but permits for power rights of way may be granted under the act of June 4, 1897, 30 Stat., 11. (2 Sol. Op., 1032.)

Transmission lines, etc.—The authority to grant fifty-year easements for transmission and other lines under the act of March 4, 1911 (36 Stat., 1235), is vested in the Secretary of Agriculture when and in so far as the lands affected constitute portions of the National Forests. (29 Op. Atty. Gen., 303.)

Telegraph lines.—The act of July 24, 1866 (now Rev. Stat., sec. 5263), granting rights of way for telegraph lines does not apply to National Forest lands. (1 Sol. Op., 266, 452.)

INDIAN ALLOTMENTS IN NATIONAL FORESTS.

Act June 25, 1910 (36 Stat., 855), relating to Indian allotments, etc.

Persons entitled to allotments.

Applications to Secretary of Agriculture.

Action by Secretary of the Interior.

SEC. 31. That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the National Forests in conformity with the general allotment laws as amended by section [16] of this act, to any Indian occupying, living on, or having improvements on land included within any such National Forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.[1]

TOWNSITES.

Section 2286 and sections 2380 to 2394, inclusive, Revised Statutes, provide methods of acquiring public land for town-site purposes on the vacant unreserved lands of the United States.

Act of March 3, 1877 (19 Stat., 392), provides for additional town sites.

Act March 3, 1891 (26 Stat., 1101), provides for town sites on mineral lands.

There are also various acts applicable to individual States. See circular Department of Interior of August 7, 1909 (38 L. D., 92).

A town site actually settled and occupied before the creation of a National Forest is excepted from the proclamation, even though the land is unsurveyed; and an occupant of lands within the town site can not be required to take out a forest service permit. (2 Sol. Op., 726.)

ADMINISTRATIVE SITES.

The withdrawal of an administrative site riparian to a stream does not of itself reserve water for administrative uses on such site; and the right to such water can be secured only by appropriation under the State laws. (1 Sol. Op., 590.)

The establishment of a forest reserve does not contemplate the actual use or occupancy of any particular tract within the designated boundaries of the reserve; hence there is no incongruity in providing that, after the creation of the reserve, lands may be prospected, and, if shown to be mineral in character, located and entered under the mining laws. The purposes for which the withdrawal now proposed to be made (administrative site) contemplates and requires the actual use and occupancy of each tract and the expenditure of money upon each or most of such tracts, and this of necessity excludes the operation of any other claim. Land not known at the time to be mineral in character may be devoted to purposes recognized by law as proper in the aid of the objects sought to be attained by establishment of forest reserves, or coming within the purview of the appropriation acts for protection and administration of such reserves and subsequent discovery of mineral therein will not affect its use for those purposes or render

[1] This section does not apply to the Minnesota National Forest. (Letter Secretary of the Interior to Secretary of Agriculture, Sept. 27, 1912.)

it liable to exploration, location, or entry under the mining laws. (Opinion of the Assistant Attorney General, 35 L. D., 262–268.)

SPECIAL USE PERMIT.

A special use permit for the use of lands for a summer home remains in full force and effect and gives the permittee complete right of possession and use as against subsequent locators of a mining claim. (Le Roy et al. *v.* Swanson; unpublished findings of the county court of Colorado for Clear Creek County, date Feb. 6, 1912.)

TIMBER AND STONE FOR UNITED STATES RECLAMATION WORKS.

Act of February 8, 1905 (33 Stat., 706).

Reclamation Service may use material from National Forests.

In carrying out the provisions of the national irrigation law approved June seventeenth, nineteen hundred and two, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him.

SILVICULTURE.

TIMBER SALES.

Timber sales provisions of act June 4, 1897 (30 Stat , 11, 35), as amended by act June 6, 1900 (31 Stat., 661).

Timber, appraisal and sale.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively; but not for export therefrom.[1]

Advertisement of sale.

[2] [Before such sale shall take place notice thereof shall be given * * * for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however,*

Emergency sales in advance of advertisement.

That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sales at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further,* That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood not exceeding in value one hundred dollars stumpage: *And provided further,*

Private sale where bid unsatisfactory, etc.

That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further,* That the provisions of this act shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State].[3]

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[1] Modified by agricultural appropriation, act of Mar. 4, 1907 (34 Stat., 1270), printed next following.

[2] The matter in brackets is taken bodily from the act of June 6, 1900 (31 Stat., 661), which amends the original act by substituting this language.

[3] This proviso is repealed by a provision in the agricultural appropriation act of June 30, 1906 (34 Stat., 669, 684), post p. 60.

Cutting and removal.

* * * Such timber before being sold shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing * * * of his doings in the premises.

Free use of timber, etc., by settlers, etc.

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.[1]

Agricultural appropriation act of March 4, 1907 (34 Stat., 1256).

Forest products may be exported from State or Territory.

[1270] And the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States, except the Black Hills National Forest in South Dakota,[2] to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated:

Restrictions as to Black Hills National Forest.

Provided, That the exportation of dead and insect-infected timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July first, nineteen hundred and eight.

This proviso was repeated in the agricultural appropriation acts of May 23, 1908, March 4, 1909, May 26, 1910, and March 4, 1911, except that the time limit fixed in the last line was extended, first to July 1, 1910, and then to July 1, 1912. The old Black Hills National Forest having been divided into the Black Hills and Harney National Forests, the agricultural appropriation act of August 10, 1912 (37 Stat., 269) applies this provision to both, and further extends the time limit to July 1, 1914.

Agricultural appropriation act of June 30, 1906 (34 Stat., 669).

Timber sales in California.

[684] Hereafter sales of timber on forest reserves in the State of California shall in every respect conform to the law governing such sales in other States, as set forth in the act of June sixth, nineteen hundred (Thirty-first Statutes at Large, page six hundred and sixty-one).

Minnesota National Forest.

NOTE. For timber sale provisions relating especially to the Minnesota National Forest (see sec. 2 of the act of May 23, 1908, 35 Stat., 268).

Agricultural appropriation act of August 10, 1912 (37 Stat., 269).

Sales to settlers and farmers at cost.

That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety seven.

The act of June 3, 1878 (20 Stat., 88) authorizing the citizens of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana and "all other mineral districts of the United States" to fell and remove timber on the public domain for mining and domestic purposes, is printed on page 64, post, under "Trespass."

Forest transfer act of February, 1905 (33 Stat., 628).

Pulp wood and wood pulp may be exported from Alaska.

SEC. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom.

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[1] Modified by agricultural appropriation act of Mar. 4, 1907 (34 Stat., 1270), printed next following.

[2] This does not prevent the Secretary of Agriculture from causing tree seeds to be collected in the Black Hills Nationa Forest for the use of the Forest Service in seeding and planting in other States. The prohibition does not apply to governmental uses. (1 Sol. Op., 424.)

Tariff act of June 29, 1909, free list, paragraph 652 (36 Stat., 11, on p. 78).

652. Plants, trees, shrubs, roots, seed cane, and seeds imported by the Department of Agriculture or the United States Botanic Garden. Plants, trees, etc., imported free.

Agricultural appropriation act of August 10, 1912. 37 Stat., 269 (Nebraska National Forest.)

Provided, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An Act increasing the area of homesteads in a portion of Nebraska," approved April twenty-eighth, nineteen hundred and four. Nebraska National Forest.

Decisions Applicable to Timber Sale Contracts.

The general rule is that when one enters into a contract with the Government, his obligation thereunder becomes fixed beyond the power of any Government official to modify its terms so as to relieve him of any of the burdens imposed upon him. (2 Sol. Op., 744, and cases there cited.)

It seems, however, that the proper Government officials may, by acquiescence, waive the time limit in a contract by allowing the contractor to continue the work. In such cases all the other requirements of the contract govern the relations of the parties. (Same.)

It seems also that the head of a department can waive penalties or forfeitures provided for in a contract in case of nonperformance within the time limit, when the Government suffers no damage by the delay; or if it suffers some damage less than the amount of the penalty or forfeiture, he may remit all above the actual damage which the Government has suffered. (Same.)

It seems further that in cases where the interests of the Government clearly so require, the head of a department may modify or abrogate a contract with or without the consent of the contractor. If done without the consent of the contractor and he suffers damage or loss thereby, he probably has a claim against the United States for the amount thereof. The officer modifying or abrogating a contract may or may not have power to settle the claim, depending upon the circumstances and the terms of the statute under which he is acting. (Same.)

The Comptroller of the Treasury applies the foregoing general rules to timber sale contracts in the same manner and to the same extent as to other contracts with the Government. (See Comptroller's decision of Dec. 27, 1911, unpublished.)

Where a railroad right of way stipulation provides for payment for "merchantable" timber cut from the right of way, and expressly declares that "All timber down to the diameter of 4 inches shall be considered merchantable," the Secretary of Agriculture has no authority to modify the contract so as to require payment only for timber down to 6 inches in diameter. (2 Sol. Op., 744.)

Where, before expiration of a timber sale contract, the purchasers notify the forestry officials that they have sold their saw mill and equipment, because the contract is unprofitable, and it appears that they have done no work under it for several months, the Government may treat the contract as abandoned, and sell the remaining timber to other parties; but there is no authority to cancel the old contract so as to relieve the purchasers thereunder from liability for damages thereunder in case any shall have been found to have been sustained by the United States. If, in such case, the Government sells the remaining timber to others and receives from them the full price fixed in the original contract, then it could not collect such price from the original contractors. (2 Sol. Op., 758.)

Upon certificate of the proper forest officer that no damage has been sustained by the Government through the abandonment of a timber sale contract, a refund may be made to the purchaser of any amounts paid by him and remaining in the hands of the Government, over and above what is due for timber actually taken and for such expenses as the Government may have incurred (Solicitor to his Assistant at Albuquerque, Oct. 3, 1912.)

The decision in 28 Op. Atty. Gen., 12, is limited to the case actually presented and decided, namely, that an executive officer may refrain from enforcing a contract when some action of the Government, in its sovereign capacity, has made it inequitable to do so, although the waiver may be prejudicial to its pecuniary interests. That decision can not be applied where the only ground for releasing the contractor is that the contract has become less profitable than he expected. (Letter of Attorney General to Secretary of Agriculture, dated June 10, 1911.)

It is illegal to include in a timber sale contract a clause providing for a reduction in stumpage price in consideration of the purchaser's reforesting portions of the sale area (Solicitor's letter of Nov. 20, 1911, to the Forester), or constructing fire lines (1 Sol. Op., 437).

Timber which has been cut by the purchaser and not removed before the date fixed in clause 12 of timber sale Form 202, nevertheless belongs to the purchaser when he has paid the double stumping price provided for by clause 14. He may, therefore, remove it from the forest after the date fixed in clause 12, but must do so in a reasonable time, and under the supervision and direction of the forest officers supervising the sale. (2 Sol. Op., 836.)

Secretary of Agriculture may sell insect-infested timber, which is a menace to the National Forest, from an unperfected mining claim thereon, even without the consent of the claimant (Lewis et al. *v.* Garlock, United States intervenor, 168 Fed., 153).

In view of the exigency created by the great forest fires of the summer and fall of 1910, and of the facts presented showing the rapid deterioration of fire-killed timber in the northern and northwestern States, the Secretary of Agriculture may permit the claimants to sell such timber from homestead and other claims and from unsurveyed or unclassified railroad sections, taking a bond, with adequate security, from the purchaser to protect the interest of the United States, as the same may ultimately appear. (Letter of the Attorney General to the Secretary of Agriculture dated Nov. 23, 1911.)

It is understood that the foregoing opinion is limited to the situation created by the great fires of 1910, and is not to be applied generally, even to fire-killed timber, especially in regions where such timber does not rapidly deteriorate. (Solicitor to his Assistant at San Francisco, Jan. 22, 1912.)

NOTE.—Prior to the receipt of the above-mentioned letter of the Attorney General, the Solicitor had rendered the decisions digested in the four paragraphs next following, which are still applicable, except as above stated.

The Forest Service is not authorized to sell fire-killed timber upon homesteads, or to enter into an agreement with homesteaders to sell the timber to purchasers and deposit the proceeds in the Treasury to be refunded upon the patenting of the claim. (1 Sol. Op., 327.)

There is no authority to make an agreement permitting an assignee of the Northern Pacific Railroad Co. to cut over lands covered by an unperfected selection under the act of March 2, 1899 (30 Stat., 993), at his own risk, upon filing a bond to indemnify the Government should such selection fail (1 Sol. Op., 463).

Neither the Northern Pacific Railroad Co. nor the Forest Service, nor the two acting together under agreement, can legally dispose of timber upon unsurveyed unclassified odd sections within the primary limits of the railroad grant. (1 Sol. Op., 327.)

A mining claim properly marked upon the ground is presumed to be valid until its validity is determined by the Interior Department in a proper proceeding and the Forest Service can not sell timber from such a claim merely because it appears to the Forest Service to be invalid. (1 Sol. Op., 181.)

GRAZING.

There are no statutes specifically relating to grazing upon the National Forests. The grazing regulations are based on the provision in the act of June 4, 1897 (30 Stat., 11, 35), which reads as follows:

Provisions for protection against fire, etc.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests

and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States.

Rules and regulations.

Penalty. Vol. 25, p. 166. R. S., sec. 5388, p. 1044.

DECISIONS APPLICABLE TO GRAZING.

The Secretary of Agriculture has the authority to make a charge for the use of lands in a National Forest for grazing (United States *v.* Grimaud et al., 220 U. S., 506, 522).

The usual grazing permit constitutes merely a license revocable at the discretion of the Secretary of Agriculture. (2 Sol. Op., 895.)

A person who has secured a waiver of grazing privileges in his favor cannot rely on the prior issuance of a permit to the person from whom he purchased as creating an estoppel against the Government to cancel the permit, there being no mutuality between the Government and such transferee. (Same.)

The Forest Service may collect the usual kidding or lambing charge for kidding or lambing on an unperfected mining claim within a National Forest where the claimant waives his right to exclusive possession under the mining laws. (2 Sol. Op., 865.)

For decisions relating to grazing trespasses, see "Trespass, grazing," post, p. 72.

TRESPASSES.

TIMBER TRESPASSES.

CRIMINAL CODE OF MARCH 4, 1909 (36 STAT., 1088, 1098).

SEC. 49. Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

Cutting and removal of timber from public lands.

Rights of claimants under land laws.

SEC. 50. Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (As amended by act June 25, 1910, 36 Stat., 855, 857.)

Cutting timber from reserved land.

SEC. 51. Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry,

Boxing for turpentine.

selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act of June 4, 1897 (30 Stat., 11).

Provisions for protection against fire, etc.

Rules and regulations.

Penalty.
25 Stat., 166.
R. S., sec. 5388.

[35] The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States.

NOTE.—The statutes referred to in the closing lines of the above act were both expressly repealed by the revised criminal code of 1909. The amending act (25 Stat., 166) is, however, printed next below.

Act of June 4, 1888 (25 Stat., 166).

Penalty for trespass.

Section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows: "Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court."

Act June 3, 1878 (20 Stat., 88).

[This act applies only to unreserved land not within National Forests.]

Timber in mineral districts may be cut.

Secretary of the Interior to regulate.

Not to extend to railroads.

SEC. 1. All citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

[NOTE.—By virtue of power granted to the Secretary of the Interior under act of June 3, 1878 (20 Stat., 88), said Secretary provides, in his "rules and regulations governing the use of timber on the public mineral lands" (29 L. D., 571):

Disposal of tops, brush, and other refuse.

"SEC. 9. Persons felling or removing timber under the provisions of this act must utilize all of each tree cut that can be profitably used, and must dispose of the tops, brush, and other refuse in such manner as to prevent the spread of forest fires."

Duty of land officers.

SEC. 2. It shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immedi-

ately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts. Trespass.

[89] SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. Penalty.

Act March 3, 1891 (26 Stat., 1093), amending section 8 of the act to repeal the timber culture laws.

SEC. 8. * * * And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and the District of Alaska, and the gold and silver regions of Nevada and the Territory of Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timberlands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands. Timber from public timber lands. Defenses. Agricultural, mining, etc., uses.

The above act was extended to New Mexico and Arizona by the amending act of February 13, 1893 (27 Stat., 444), and to California, Oregon, and Washington by the amending act of March 3, 1901 (31 Stat., 1436).

FIRE TRESPASSES.

CRIMINAL CODE OF MARCH 4, 1909 (36 STAT., 1088, 1098, AND 1099).

SEC. 52. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. Setting fires.

SEC. 53. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. (As amended by Act June 25, 1910, 36 Stat., 855, 857.) Same.

SEC. 54. In all cases arising under the two preceding sections the fines collected shall be paid into the public school fund of the county in which the lands where the offense was committed are situated. Fines go to school fund.

UNLAWFUL FENCING.

Act of Feb. 25, 1885 (23 Stat., 321), to prevent unlawful occupancy of the public lands.

SEC. 1. That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, Inclosure of public land without claim forbidden.

association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.[1]

Assertion of exclusive right.

Civil suit. Affidavit by any citizen.

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated, showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation, as nearly as may be, and by description, if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or Territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court, or Territorial district court, having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

Injunction.

Summary destruction.

Obstruction of entry, settlement, or passage forbidden.

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public lands laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

Criminal action. Penalty.

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, for each offense. (As amended by act Mar. 10, 1908 (35 Stat., 40).)

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[1] It is unlawful under this act for persons who have acquired the right to use railroad odd sections to construct a fence located entirely on the odd sections, but in such a manner as to inclose with the odd sections some of the even sections belonging to the Government. (Camfield *v.* United States, 167 U. S., 538.) In this case the court relied upon the maxim that one must use his own so as not to injure another; and as this gave rise to the suggestion that the result would involve the exercise by the United States of police power within a State, the court said, "We do not think the admission of a Territory as a State deprives it (Congress) of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation."

SEC. 5. That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose. President may remove fence by force.

SEC. 6. That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior. Inclosures of less than 160 acres.

SEC. 7. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act. Pending suits not affected.

MISCELLANEOUS TRESPASSES AND OTHER OFFENSES AGAINST THE UNITED STATES.

Act of June 8, 1906 (34 Stat., 225), for the preservation of American antiquities.

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. Destruction of historic and prehistoric monuments and ruins prohibited. Penalty.

The remainder of the foregoing act, authorizing the establishment of national monuments, is printed ante, page 12.

CRIMINAL CODE OF MARCH 4, 1909.

SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Hunting, etc., on bird refuges.

(The foregoing section seems to be a codification of the act of June 28, 1906 (34 Stat., 536). That act, however, is not specifically repealed, and it contains the following proviso: "*Provided*, That the provisions of this act shall not apply to the Black Hills Forest Reservation, in South Dakota.")

Act of Jan. 24, 1905 (33 Stat., 614); act of June 29, 1906 (34 Stat., 607).
The foregoing acts, which authorize the establishment of the Wichita game and bird refuge and the Grand Canyon game refuge contain penal provisions substantially the same as in section 84, supra.

SEC. 55. Whoever, except forest rangers and other persons employed by the United States to protect the forest, Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Trespass on Bull Run Forest.

SEC. 56. Whoever shall knowingly and unlawfully break, open or destroy any gate, fence, hedge, or wall inclosing any lands of the United States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other live stock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other live stock, to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other live stock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not Breaking inclosures. Permitting stock to trespass.

more than five hundred dollars, or imprisoned not more than one year, or both: *Provided*, That nothing in this section shall be construed to apply to unreserved public lands.

False personation, etc.

SEC. 32. Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States or any department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Robbery of United States property.

SEC. 46. Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Embezzlement, theft, etc.

SEC. 47. Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Receiving stolen property.

SEC. 48. Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.

Destroying Government survey corners, etc.

SEC. 57. Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both.

Malicious destruction of United States property, etc.

SEC. 60. Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Perjury.

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

PROCEDURE.

Act of February 6, 1905 (33 Stat., 700), for the protection of the public forest reserves and national parks of the United States.

Arrests by forest officers.

All persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn infor-

mation by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

United States Revised Statutes.

Officers, etc., may administer oaths.

Sec. 183. Any officer or clerk of any of the Departments lawfully detailed to investigate frauds or attempts to defraud on the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

DECISIONS RELATING TO TRESPASSES.

Cutting of Timber.

IN GENERAL.

By a modification of the earlier doctrine of equity, injunction will now lie to prevent irremediable mischief to the substance of the estate as by the mining of ores or the cutting of trees by one in possession of lands while the title is in litigation. (Erhardt *v.* Boaro, 113 U. S., 537.)

Where one has unlawfully cut timber from lands of the United States it is no defence that he acted in accordance with a general custom in the locality, known to the general land office, of entering lands and cutting the timber before patent issued. (Teller *v.* United States (C. C. A.), 113 Fed., 273.)

An instruction to the jury that if defendant entered upon public land knowing it to be such, without having complied with the provisions of law giving him a right to do so, and cut timber therefrom, they would be authorized to find the requisite criminal intent, fairly states the law, and is as favorable as the defendant is entitled to. (Teller *v.* United States (C. C. A.), 113 Fed., 273.)

FROM PUBLIC MINERAL LANDS.

The act June 3, 1878 (20 Stat., 88), seems to apply only in the States and Territories specifically mentioned therein. (United States *v.* Smith, 11 Fed., 487; United States *v.* Benjamin, 21 Fed., 285; United States *v.* English, 107 Fed., 867.)

The right to cut timber under this act extends only to lands valuable for minerals and not to lands adjacent thereto, or lying in a recognized mineral region, but not themselves valuable for their minerals. (United States *v.* Plowman, 216 U. S., 327.)

The cutting of timber from mineral lands for roasting of ores is authorized by the act of 1878, whether this process be considered a part of the mining or as smelting. In either event the use is for "domestic purposes." (United States *v.* United Verde Copper Co., 196 U. S., 207.)

One who cuts timber from public mineral lands and sells the same, or the lumber manufactured therefrom, without taking from the purchaser a written statement of the purposes for which the same is intended to be used, as required by the regulations of the Secretary of the Interior, is guilty of a violation of the statute. (United States *v.* Redes, 69 Fed., 965.)

The act of 1878 (20 Stat., 88) and the act of March 3, 1891 (26 Stat., 1093), have been construed by the land department as having practically the same scope and purpose, the one applying only to mineral and the other only to nonmineral lands. *Held*, therefore, on the authority of United States *v.* United Verde Copper Co., *supra*, that the latter statute authorizes the use of timber for smelting purposes. (34 L. D., 78.)

FROM HOMESTEAD CLAIMS.

The settler upon a homestead claim may cut such timber as is necessary to clear the land for cultivation or to build him a house, outbuildings, and fences, and, perhaps, as indicated in the charge of the court below, to exchange such timber for lumber to be devoted to the same purposes, but not to sell the same for money, except so as the timber may have been cut for the purpose of cultivation. While, as was claimed in this case, such money might be used to build, enlarge, or finish a house, the toleration of such practice would open the door to manifold abuses, and be made an excuse for stripping the land of its valuable timber. One man might be content with a house worth $100, while another might, under the guise of using the proceeds of the timber for improvements, erect a house worth several thousands. A reasonable construction of the statute—a construction consonant both with the protection of the property of the Government in the land and the rights of the settler—we think restricts him to the timber actually cut or the lumber exchanged for such timber and used for his improvements, and to such as is necessarily cut in clearing the land for cultivation. (Shiver *v.* United States, 159 U. S., 491, 498; see also, United States *v.* Cook, 19 Wall., 591; Conway *v.* United States (C. C. A.), 95 Fed., 615.)

The cutting and removal of timber from a homestead claim must be for a legitimate purpose, having some connection with the cultivation and improvement of the land, but it is error to instruct the jury that the timber could only be cut "in pursuance of a definite plan that the plow should follow the ax," and that if the timber was cut from lands "not put in cultivation, and not to be put immediately into cultivation, then the law presumes that they intended to violate the law." (Grubbs *v.* United States (C. C. A.), 105 Fed., 314.)

After final proof and the issuance of final certificate, homestead entrymen may cut and remove timber from their claims for any purpose. (1 Sol. Op., 327.)

FROM MINING CLAIMS.

An occupant of a mineral claim, who has applied for patent, has no right to cut and sell the timber thereon before payment of the Government price and issuance of final certificate, and a license from him to so cut the timber is no protection to the licensee. (Teller *v.* United States (C. C. A.), 113 Fed., 273; see also United States *v.* Nelson, 5 Sawyer, 68.)

When, however, the timber on a mining claim in a national forest is infested with insects so as to be a menace to the young and growing trees, the Government, having the paramount title, may, through the Forest Service, sell and dispose of such timber, even without the consent of the claimant. (Lewis et al. *v.* Garlock (United States, intervenor), 168 Fed., 153.)

FROM RAILROAD LANDS.

The grant to the Northern Pacific Railroad Co. vested in the grantee a present title to the odd sections on the definite location of the road, but the Government makes its own surveys, and until survey by the Government the United States retains at least a special property in all the timber in the township and may recover for timber cut by the company or its grantees notwithstanding a survey made by the company shows the land cut over to be an odd section. Such a survey is inadmissible as evidence that the land is part of an odd section. (United States *v.* Montana Lumber Co., 196 U. S., 573.)

The mineral return of the Surveyor General under the grant to the Central Pacific Railroad Co., of July 1, 1862, and July 2, 1864, is merely prima facie evidence of the mineral character of the land, which may be inquired into by the Department of the Interior at any time before patent. (2 Sol. Op., 897.)

The Department of Agriculture is not authorized to handle the sale of timber cut in trespass upon lands within the primary limits of the Northern Pacific Railroad grant, even though such lands lie within the exterior limits of a National Forest. (1 Sol. Op., 541.)

FROM LIEU SELECTION.

Prior to the approval of a selection under the indemnity school and university land grants title in the land remains in the United States and no one has a right to go upon the land and cut the timber therefrom. (1 Sol. Op., 468.)

DAMAGES—INNOCENT AND WILLFUL TRESPASSES.

One innocently purchasing timber unlawfully and willfully cut from Government lands and transported to market by his vendor is liable for its value at the time and place of his purchase without any deduction for value added by the acts of the willful trespasser. (Woodenware Co. *v.* United States, 106 U. S., 432.)

In a case of innocent trespass the measure of damages is the value of the timber after it was cut at the time and place where it was cut. (United States *v.* St. Anthony R. R. Co., 192 U. S., 524; 1 Sol. Op., 298; 40 L. D., 518, 525.)

In a letter of instructions to the United States attorney at Helena, Mont., dated September 7, 1910, the Acting Attorney General, after reviewing the authorities and discussing the conflicting cases, says:

"After a somewhat careful examination of the authorities cited and many others, the department is of the opinion that, where timber has been inadvertently cut from the public lands, (1) the timber immediately after felling becomes the personal property of the United States (Sampson *v.* Hammond, 4 Cal., 184); (2) an action of trover will lie for its conversion (Sampson *v.* Hammond, supra; White *v.* Yawkey, 108 Ala., 270, 275); (3) the value of the property when first taken is the measure of damages recoverable (Woodenware case, 106 U. S., 432, 434); and (4) the value of the property when first taken, within the meaning of the Woodenware case, is its value immediately when it takes the form of personal property—i. e., immediately after severance from the freehold (White *v.* Yawkey, 108 Ala., 270, 274, 275)."

In Pine River Logging Co. *v.* United States (186 U. S., 279, 293) the doctrine of the Woodenware case as to willful trespasses is stated to be that "if the trespass be willfully committed the trespasser can obtain no credit for the labor expended upon it, and is liable for its full value when seized;" and this rule was applied in the case under consideration, the parties in the possession of the timber at that time being found to have participated in the trespass.

Where timber is cut upon public land by one who knows that the land belongs to the Government, or who has no reasonable ground to believe that it belongs to himself or to some one under whom he claims, the trespass is a willful one. (Bly *v.* United States, Fed. case No. 1581, 4 Dill., 464.)

In actions of trespass where the injury has been wanton and malicious or gross and outrageous, courts permit juries to add to the measured compensation of the plaintiff, which he would have been entitled to recover had the injury been inflicted without design or intention, something further by way of punishment or example, which has sometimes been called "smart money." (Day *v.* Woodworth, 13 How., 362, 371; see also Barry *v.* Edmunds, 116 U. S., 550.)

Where the defendant admits the cutting and removal of timber from public lands, the Government is entitled to at least nominal damages, in the absence of direct evidence of the value of the standing trees. (United States *v.* Mock, 149 U. S., 273; see also United States *v.* Taylor, 35 Fed., 484.)

In trover for crude turpentine unlawfully but not willfully taken from pine trees, the measure of damages is its value at the time of conversion with interest. (Quitman Naval Stores Co. *v.* Conway, 58 So. Rep., 840; Solicitor to his Assistant at Albuquerque, Dec. 26, 1912.)

FIRE TRESPASSES.

In United States *v.* Henry Clay (unreported), Southern District of California, the defendant was indicted under section 52, of the Criminal Code, and the jury were charged by Judge Wellborn in part as follows:

"It is immaterial whether the fire * * * originated on private land if it was set willfully and if in the course of nature and in view of all the surroundings the said fire would reasonably be expected to be communicated to the public domain. A man has no lawful right to set fire to his own property if he has reason to believe or intends that such fire will be communicated to the property of others and destroy it."

In an action by the United States against a railroad company to recover for loss of timber alleged to have been burned through defendant's negligence in permitting inflammable material to accumulate on its right of way, in which fire was started from an engine and spread into the timber on a forest reservation, a letter written by a forest inspector to the secretary of defendant some time before the fire, inclosing a report from a ranger as to the dangerous condition of the right of way, and asking that it be remedied, was not inadmissible as a self-serving declaration, but was properly admitted to show actual notice to defendant of the condition referred to therein, the fact being otherwise proved. (Corvallis & E. R. Co. *v.* United States, 191 Fed. Rept., 310.)

On an issue as to the condition of a locomotive alleged to have caused a fire on defendant's right of way because of its defective condition which permitted the escape of fire and sparks, the admission in evidence of the testimony of the fireman of defendant's machine shop as to the condition of the engine, both before the fire and after its return from the trip on which the fire occurred, the purpose being to show its condition before and at the time of the fire, was not prejudicial error. (Same.)

(Liability of railroads for injuries by fire as affected by management of locomotives, see note to Woodward *v.* Chicago, M. & St. P. Ry. Co., 75 C. A. C., 598.)

Injunction will lie to prevent the accumulation of inflammable material upon a railroad right of way within the National Forests when such accumulation is shown to be dangerous to the forests. (1 Sol. Op., 300, 526.)

There is no authority in the department to make settlement with the Great Northern Railway Co. of a fire trespass, by which the company shall pay at once for all timber destroyed or damaged, with an agreement that any money received from the sale of damaged timber to a third party, less costs of the sale, shall be paid over to the company. (1 Sol. Op., 496.)

It is not the duty of forest officers to directly prosecute in a State court a person accused of violating a State statute by setting out a fire which spread to National Forest lands. In such case they would perform their full duty by calling the attention of the proper State officers to the alleged criminal offense, suggesting action and offering to aid in all proper ways. (2 Sol. Op., 693.)

The acquittal of a fire trespasser in a State court is no bar to his prosecution in a United States court for a violation of the Federal laws arising out of the same acts. (Solicitor to his Assistant at Denver, Sept. 10, 1912.)

The Government is entitled to recover for damage to reproduction (United States *v.* Corvallis & Eastern R. R. Co., 191 Fed., 310; United States *v.* N. P. R. R. Co., Dec. 2, 1911, in United States District Court, Western District of Washington, and case of United States *v.* C. O. Bailey, receiver for Mo. Pac. Ry. Co. and Title Guarantee Surety Co., in United States District Court for South Dakota, Sept. 7, 1910), the verdicts in which cases include such damage.

Grazing Trespasses.

[United States *v.* Grimaud et al., 220 U. S., 506, syllabus.]

Under the acts establishing forest reservations, their use for grazing or other lawful purposes is subject to rules and regulations established by the Secretary of Agriculture, and it being impracticable for Congress to provide general regulations, that body acted within its constitutional power in conferring power on the Secretary to establish such rules; the power so conferred being administrative and not legislative, is not an unconstitutional delegation.

While it is difficult to define the line which separates legislative power to make laws and administrative authority to make regulations, Congress may delegate power to fill up details where it has indicated its will in the statute, and it may make violations of such regulations punishable as indicated in the statute; and so held that regulations made by the Secretary of Agriculture as to grazing sheep on forest reserves have the force of law and that violations thereof are punishable, under act of June 4, 1897, chapter 2 (30 Stat., 35), as prescribed in section 5388, Revised Statutes.

Congress can not delegate legislative power (Field *v.* Clark, 143 U. S., 692), but the authority to make administrative rules is not a delegation of legislative power, and such rules do not become legislation because violations thereof are punished as public offenses.

Even if there is no express act of Congess making it unlawful to graze sheep or cattle on a forest reserve, when Congress expressly provides that such reserves can only be used for lawful purposes subject to regulations and makes a violation of such regulations an offense, any existing implied license to graze is curtailed and qualified by Congress; and one violating the regulations when promulgated makes an unlawful use of the Government's property and becomes subject to the penalty imposed.

A provision in an act of Congress as to the use made of moneys received from Government property clearly indicates an authority to the executive officer authorized by statute to make regulations regarding the property to impose a charge for its use.

Where the penalty for violations of regulations to be made by an executive officer is prescribed by statute, the violation is not made a crime by such officer but by Congress, and Congress and not such officer fixes the penalty, nor is the offense against such officer, but against the United States. (Same.)

[Light *v.* United States, 220 U. S., 523, syllabus.]

Congress may authorize an executive officer to make rules and regulations as to the use, occupancy, and preservation of forests and such authority so granted is not unconstitutional as a delegation of legislative power. (Following United States *v.* Grimaud, 220 U. S., 506.)

At common law the owner was responsible for damage done by his live stock on land of third parties, but the United States has tacitly suffered its public domain to be used for cattle so long as such tacit consent was not canceled, but no vested rights have been conferred on any person, nor has the United States been deprived of the power of recalling such implied license.

While the full scope of section 3, Article IV, of the Constitution has never been definitely settled it is primarily a grant of power to the United States of control over its property (Kansas *v.* Colorado, 206 U. S., 89); this control is exercised by Congress to the same extent that an individual can control his property.

It is for Congress and not for the courts to determine how the public lands shall be administered.

Congress has power to set apart portions of the public domain and establish them as forest reserves and to prohibit the grazing of cattle thereon or permit it subject to rules and regulations.

Fence laws may condone trespasses by straying cattle where the laws have not been complied with, but they do not authorize wanton or willful trespass, nor do they afford immunity to those willfully turning cattle loose under circumstances showing that they were intended to graze upon the lands of another.

Where cattle are turned loose under circumstances showing that the owner expects and intends that they shall go upon a reserve to graze thereon, for which he has no permit and he declines to apply for one, and threatens to resist efforts to have the cattle removed and contends that he has a right to have his cattle go on the reservation, equity has jurisdiction, and such owner can be enjoined at the instance of the Government, whether the land has been fenced or not.

Quaere, and not decided, whether the United States is required to fence property under laws of the State in which the property is located.

This court will, so far as it can, decide cases before it without reference to questions arising under the Federal Constitution. (Siler *v.* Louisville & Nash. R. R., 213 U. S., 175.)

[Shannon *v.* United States (C. C. A. Ninth Circuit), 160 Fed., 870.]

Where defendant drove large bands of cattle into a 320-acre pasture which was inclosed on three sides, but open on the side toward a public forest reserve, knowing that there was no water in the pasture, and that it was insufficient to sustain the cattle, and that they must of necessity drift onto the reserve for pasture and water, defendant could not claim freedom from responsibility for the cattle trespassing on the reserve because he at no time drove them there and because the reserve was not inclosed.

The creation of a forest reserve severs the reserved land from the public domain and appropriates it to public use, so that it is no longer subject to the implied license to pasture on public lands.

The rules promulgated by the Secretary of the Interior regulating the number of cattle and other live stock that may be pastured on a forest reserve, and the manner in which the owners may obtain permission to use the reservation for that purpose, are reasonable and within the power granted by act of Congress of June 4, 1897, chapter 2 (30 Stat., 34 U. S. Comp. St. 1901, p. 1542), giving the Secretary of the Interior power to make rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests from destruction.

The Federal Constitution delegates to Congress the general power, absolutely and without limitation, to dispose of and make all needful rules and regulations concerning the public domain independent of the locality of the land, whether situated in a State or Territory, the exercise of which power can not be restricted in any degree by State legislation.

Congress had no power to relinquish any of its jurisdiction over the public domain by a compact with the state of Montana on admission of the State into the Union, nor had the State any power to reserve any such control.

Public lands in the State of Montana were not subject to the stock and fence laws of the State, which were applicable only to lands subject to the State's dominion.

Where the United States brought suit to restrain the trespass of defendant's cattle on a forest reserve, the fact that in such suit it acted in its proprietary capacity and was subject to the ordinary rules of pleading, practice, and laws applicable to the case did not operate as a waiver of any of its sovereign rights to the land sought to be protected.

It was no defense to an injunction restraining defendant's use of a United States forest reserve as a pasture that its issuance would impose a grievous burden on him to restrain the cattle in his adjoining close, it also appearing that he could relieve himself of such burden by restoring a fence on one side thereof.

Substantially to the same effect as the foregoing was the earlier decision in Dastervignes *v.* United States, by the Circuit Court of Appeals for the Ninth Circuit (122 Fed., 30). The two following paragraphs of the syllabus of that case are of additional interest:

A bill filed by the United States to enjoin the pasturage of sheep in a forest reservation, in violation of the regulations prescribed by the Secretary of the Interior, alleged that the sheep pastured within the reservation were committing great and irreparable injury to the public lands therein and to the undergrowth, timber, and water supply. Affidavits filed in support of such allegations recited that the sheep of defendants destroyed undergrowth, young and growing trees and seedlings, and ate and destroyed the roots of the vegetation and grasses, leaving the ground bare and subject to disastrous washings by the rains, to the irreparable injury of the reservation, *Held*, that such allegation and showing constituted a sufficient ground for the granting of a preliminary injunction.

A bill by the United States against a number of defendants, to enjoin them from pasturing sheep in a forest reservation, is not subject to the

objection of misjoinder and multifariousness where it alleges that defendants are pasturing two bands of sheep in the reservation and contains no averments which show or indicate any separate or distinct rights or different interests as between the several defendants.

An action of trespass is not maintainable as against one grazing unpermitted stock on private land, the exclusive use of which has been waived by the owner, there being no authority in this department to administer other than National Forest land. (1 Sol. Op., 544.)

Miscellaneous Trespasses and Other Offenses Against the United States.

A homestead entryman does not have the right to remove sand and gravel from the land embraced in his unperfected entry for the purpose of sale. (Litch v. Scott, 40 L. D., 467.)

Persons obstructing either ingress or egress to a National Forest over trails constructed by the department, even over lands lying outside the National Forests, may be proceeded against in trespass and by proceedings for the removal of their fences and other obstructions. (1 Sol. Op., 482.)

The willful and malicious cutting of Forest Service telephone lines is punishable under section 60 of the Criminal Code of March 4, 1909, and regulation 81 of the Use Book of 1908. (1 Sol. Op., 283.)

Forest officers are authorized under the act of February 6, 1905, to make arrests for depredations on national monuments within National Forests. (2 Sol. Op., 670.)

Persons injuring or defacing the Oregon Caves, which have been reserved as a national monument, may be prosecuted under the criminal provisions of the national monument act. (2 Sol. Op., 670.)

An affidavit of settlement, made by an applicant to enter agricultural lands within a forest reserve, under the act of June 11, 1906, as required by the Commissioner of the General Land Office, was one taken in a case in which a law of the United States authorizes an oath to be administered, as provided by section 5392, Revised Statutes, and was therefore a proper subject for prosecution for perjury. (United States *v.* Nelson, 199 Fed., 464.)

FISCAL MANAGEMENT AND APPROPRIATIONS.

Agricultural appropriation act of May 26, 1910 (36 Stat., 416.)

Annual estimates, etc.

[440] The Secretary of Agriculture for the fiscal year nineteen hundred and twelve, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

The agricultural appropriation act of March 4, 1911 (36 Stat., 1235, 1264) repeals the provision of the appropriation act of March 4, 1907 (34 Stat., 1256, 1270), requiring the submission to Congress of classified reports of the receipts and expenditures of the Forest Service.

Agricultural appropriation act of May 23, 1908 (34 Stat., 251).

25 per cent of receipts to States and Territories.

[260] That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

Agricultural appropriation act of June 30, 1906 (34 Stat., 669).

Cooperative contributions to constitute a special fund.

[684]; * * * and hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations.

Refunds to contributors.

Agricultural appropriation act of May 23, 1908 (34 Stat., 251).

Advances to field parties for fighting fires.

[259] * * * and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department.

Agricultural appropriation act of March 4, 1911 (36 Stat., 1235).

Traveling expenses.

[1265] That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Transportation of effects.

Agricultural appropriation act of August 10, 1912 (37 Stat., 269).

Traveling expenses.

That hereafter, when officials and employees of the Department of Agriculture are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe.

Per diem fixed by Secretary.

Street-car fares.

That hereafter officials and employees of the Department of Agriculture may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business.

Agricultural appropriation act of March 4, 1907 (34 Stat., 1256).

Forest revenues covered into Treasury.

[1270] That all money received after July first, nineteen hundred and seven, by or on account of the Forest Service for timber, or from any other source of forest reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States.

Refunds.

Agricultural appropriation act of March 4, 1911 (36 Stat., 1235).

Refund amendment.

[1253] That so much of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," approved March fourth, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages twelve hundred and fifty-six and twelve hundred and seventy), which provides for refunds by the Secretary of Agriculture to depositors of moneys

to secure the purchase price of timber or the use of lands or resources of the National Forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal; and the Secretary of Agriculture shall make annual report to Congress of the amounts refunded hereunder.

UNITED STATES REVISED STATUTES.

Compromise of claims.

SEC. 3469. Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

Agricultural appropriation act of August 10, 1912 (37 Stat., 269).

GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, National Forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed six hundred and fifty dollars: *And provided further*, That no part of the appropriation made by this act shall be used for the construction, repair, maintenance or use of buildings or improvements made for forest-ranger stations within the inclosed fields of bona fide homestead settlers who have established residence upon their homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated, without the consent of the homesteader; to pay all expenses necessary to protect, administer, and improve the National Forests; to ascertain the natural conditions upon and utilize the National Forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the National Forests, except the Black Hills and Harney National Forests in South Dakota, to be exported from the State, Territory, or the District of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills and Harney National Forests shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July first, nineteen hundred and fourteen; to transport and care for fish and game supplied to stock the National Forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of National Forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books, to an amount not exceeding five hundred dollars, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses

for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, improvement, and protection of the National Forests named below:

Absaroka National Forest, Montana, eight thousand two hundred and thirteen dollars;

Here follows an enumeration of all the National Forests, with the amounts appropriated for each; also certain provisions in the nature of permanent legislation, which will be found under the appropriate headings.

For fighting forest fires and for other unforeseen emergencies, one hundred and fifty thousand dollars.

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments and equipment, one hundred and fifty-five thousand dollars;

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, one hundred and seventy thousand dollars, and the Secretary of Agriculture shall investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yield of distillates of various species, and the refining and commercial use of the distillates;

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, twenty thousand one hundred and eighty dollars;

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within National Forests, and for experiments and investigations necessary for such seeding and tree planting, one hundred and sixty-five thousand six hundred and forty dollars: *Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed five hundred dollars;

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, eighty-three thousand seven hundred and twenty-eight dollars;

For market and other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, thirty-one thousand three hundred and sixty dollars;

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the National Forests, four hundred thousand dollars;

Provided, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

That an additional ten per centum of all moneys received from the National Forests during the fiscal year ending June thirtieth, nineteen hundred and twelve, shall be available at the end thereof to be expended

by the Secretary of Agriculture for the construction and maintenance of roads and trails within the National Forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

In all, for general expenses, three million one hundred and seven thousand two hundred and eighty-five dollars.

Not to exceed fifteen per centum of the total of all sums appropriated under "General expenses, Forest Service," may be used in the discretion of the Secretary of Agriculture as provided above under general expenses for Forest Service for all expenses necessary for the general administration of the Forest Service.

Total for Forest Service, five million three hundred and forty-three thousand and forty-five dollars.

DECISIONS RELATING TO FISCAL MANAGEMENT, APPROPRIATIONS, AND REFUNDS.

In General.

Where judgments are recovered in actions for trespass on National Forests, such amounts thereof as represent punitive damages, costs of suit, or amounts to cover replanting are not such revenues of the National Forests as are subject to the 25 per cent deduction for distribution to the states and territories in which the National Forest concerned is located. (17 Comp. Dec., 688.)

A force employed in the District of Columbia to supervise and control the field work of employees engaged in making examinations, surveys, etc., under the Weeks' forestry law of March 1, 1911, can not be paid from the appropriation made by that act. (17 Comp. Dec., 780.)

Publications of advertisements affecting National Forests made by supervisors or rangers pursuant to written instructions from the Forester, issued under authority of the Secretary of Agriculture, specifying the newspapers to be used are publications authorized by Revised Statutes, section 3828. (13 Comp. Dec., 446.)

The withholding of moneys due a corporation by the United States is not authorized as a set-off against the liability of such corporation to the United States for indefinite profits arising out of a timber trespass committed by another person. (15 Comp. Dec., 113.)

Costs adjudged against forest officers in the prosecution by them, before a justice of the peace, of one arrested for setting a fire which spreads to National Forest lands, are not chargeable against the United States and cannot be paid from Forest Service appropriations. (Comp. Dec. of May 6, 1912; 2 Sol. Op., 693.)

Expenses of Government officers in going, returning, and in attendance on court, when sent away from the usual place of their duties, as witnesses, for the Government, as the result of knowledge obtained in the discharge of their official duties, are payable from the appropriate appropriation of the department from which they are sent, and not from the judicial appropriations for fees of witnesses. (12 Comp. Dec., 391; see also 14 Comp. Dec. 80 and 516; 15 Id., 154, 298 and 757.)

Where authority is exercised by a special class of officers in the arrest of persons for violations of the laws of the United States, all expenses incident to such arrests are defrayed by the Government and paid out of appropriations made for certain purposes, and not until prisoners come into the custody of the United States marshal by virtue of a duly recognized authority can it be said that a judiciary appropriation may be available for the payment of such expenses.

(8 Comp. Dec., 127; 11 Id., 753; 15 Id., 602; 16 Id., 371; 17 Id., 566.)

When an offender is arrested by a forest officer for violation of the forestry laws or regulations and taken before a United States Commissioner, the liability of the judiciary appropriations would commence with the complaint and warrant; but in no case would such appropriations be liable for any fees or expenses of the forest officer where it is his duty to aid in the detection, prosecution, and punishment for violations of such laws and regulations. (14 Comp. Dec., 113.)

The appropriation for general expenses of the Forest Service can not be used to pay for the support of a prisoner confined in a State jail for violation of the rules and regulations relating to the forest reserves under a commitment issued by United States Commissioner. Such payments are chargeable to the judiciary appropriation. (14 Comp. Dec., 113.)

The appropriation for the general expenses of the Forest Service can not be used to pay an impounding fee under a village ordinance for horses of the Government taken up and impounded by the village authorities. (1 Sol. Op., 642.)

A forest officer keeping a privately owned automobile for official business cannot receive compensation for carrying another forest officer in the car, both being on an official trip. (2 Sol. Op., 782.)

GENERAL EXPENSES.

The expense of transporting horses of employees of the Forest Service, needed in the performance of their official duties, is payable from the appropriation for general expenses. (1 Sol. Op., 350.)

The expenses of identification and eradication of poisonous plants within the National Forests may be paid from general expenses under the appropriation for 1910. (1 Sol. Op., 199.)

The fire-fighting fund provided under general expenses in the act of March 4, 1911, is available for paying the cost of repairs to a vehicle unavoidably damaged while under hire to the Forest Service for conveying men to a forest fire, with the express agreement to be responsible for damages. (2 Sol. Op., 740.)

Salaries of stream gaugers working under cooperative agreement with the Geological Survey are payable from the appropriation for general expenses of the Forest Service. (2 Sol. Op., 719.)

Telephone lines consisting of insulated wire laid upon the ground and temporarily used in one part of the forest and then removed and used in the same way in another part should be charged, under general expenses, for the "purchase and maintenance of all necessary field * * * supplies," etc. (1 Sol. Op., 651.)

Labor employed in constructing such lines should be paid for from the appropriation for general expenses, as a field expense of the particular forest. (1 Sol. Op., 651.)

Expenses of a forest officer in attending, in his official capacity, the examination or trial of a person charged with violation of the laws relating to timber trespass on National Forests are payable from the general expenses for the Forest Service. (1 Sol. Op., 383.)

The appropriation for the construction and maintenance of roads, trails, bridges, etc., in the appropriation act of August 10, 1912, is not exclusive, but is interchangeable with the item for general expenses "to pay all expenses necessary to protect, administer, and improve the National Forests." (Solicitor to his Assistant at San Francisco, Sept. 7, 1912.)

IMPROVEMENTS.

Enlargement and improvement of ranger stations. See under "Operation," page 17 ante.

The installation for the first time of bathroom fixtures in the Fort Valley experiment station, in the same manner as similar fixtures are usually installed in the ordinary city house, are not repairs in the meaning of the appropriation act. (2 Sol. Op., 768.)

Fruit trees, grapevines, and rose bushes purchased for planting on ranger stations can not be paid for out of any appropriation for the Forest Service made in the appropriation act of 1911. (1 Sol. Op., 556.)

FIRE-FIGHTING FUND.

Fees of an employment agency for services in securing fire fighters may be paid from the appropriation for fighting forest fires and other unforeseen emergencies. (1 Sol. Op., 349.)

REFORESTATION.

The appropriation for the year 1911 of $166,640 "For silvicultural and other experiments," etc., is available, in the discretion of the Secretary, for allotment to the various forests, not for experiments and investigations merely but to carry on the work of reforestation. The amounts allotted may be used cumulatively with the amounts authorized in the appropriations for the various forests by name. (2 Sol. Op., 705.)

SUPPLIES.

Supplies ordered under annual contracts for one fiscal year, but not delivered in that year, may be paid for at prices fixed by the contracts out of the appropriations for the succeeding year. (1 Sol. Op., 311.)

If the need for ordering wire existed in the fiscal year 1910, and the contract in question was properly made under the appropriation for that year, the purchase price may be paid from that appropriation, even though the wire was not delivered until the next annual appropriation has become effective, and it can not be put to physical use until some time in the next fiscal year. (Same.)

REFUNDS.

The refund provision in the agricultural appropriation act of March 4, 1907, contemplates cases of sales of National Forest products and does not apply to erroneous or excess collections for trespass on National Forest lands or to erroneous collections for products of lands not a part of the National Forests. (17 Comp. Dec., 204.)

No refund can be made, under the act of March 4, 1907, of money paid for timber cut in the construction of an irrigation ditch under permit from the Forest Service, pending approval of maps filed with the Secretary of the Interior, even though the lands affected have been eliminated from the National Forest. (2 Sol. Op., 676.)

Where a timber sale contract expired by limitation before all the timber paid for was cut, the right to damages, either actual or liquidated, became vested in the United States, and could not be waived or released by any officer of the Government. If, in such case, the contract provided for liquidated damages, or if the United States sustained actual damages by reason of the breach, and the amount deposited did not exceed the sum of the purchase price of the timber cut and removed plus the amount of such damages, then no refund could be made. (Case of Orleans Longacre, Comp. Dec., Dec. 27, 1911.)

The provision in a timber-sale contract that "all moneys paid or promised under this agreement" shall become the property of the United States "as liquidated damages and not as a penalty," on the failure of the purchaser to fulfill "all and singular" the numerous requirements of the contract, some of which are comparatively trivial and if broken can result in little damage, is, in legal substance and effect, a provision for a penalty, and a refund can be made where money has been deposited in excess of the actual damages suffered. (2 Sol. Op., 831.)

The provision in timber-sale Form 202 that refunds will be made "only at the discretion of the Forester, except when the amount of such deposits is more than the value of the timber on the cutting area covered by this agreement," does not empower the Forester to make refunds without limitation and without reference to the damages which may accrue to the Government by a breach of the contract. (2 Sol. Op., 831.)

Where an applicant for a timber-sale contract deposits money to cover the cost of advertising the sale, and dies before submitting a bid, the deposit may be regarded as made "to secure the purchase price on the sale" of forest products, and may be refunded to his legal representatives after deducting any expense incurred by the United States in consequence of the application. (Case of C. W. Dutrow, Comp. Dec., Dec. 27, 1911.)

Where timber unlawfully cut is seized and subsequently released to the trespasser on payment of its value and his agreement to clean up the cut-over area, the transaction amounts to a sale on condition subsequent, and on his failure to perform the condition the money, less damages caused by the breach, may be refunded under the act of March 4, 1907, and the trespassers be held liable for the trespass. (1 Sol. Op., 355.)

The amended refund provision contained in the act of March 4, 1911, being clearly remedial in character, is retrospective in its operation. (2 Sol. Op., 685; Comp. Dec., Dec. 27, 1911.)

Moneys erroneously collected on account of a special-use permit to occupy lands listed under the act of June 11, 1906, could not be refunded under the act of March 4, 1907 (34 Stat., 1256), but may be under the retroactive amendment contained in the appropriation act of March 4, 1911. (2 Sol. Op., 685; Comp. Dec., Dec. 27, 1911.)

Where by mistake the amount agreed upon in settlement of a trespass by boxing for turpentine is twice paid, the excess payment may be refunded under the amending provision contained in the appropriation act of March 4, 1911, as "money erroneously collected for the use of any lands." (Case of C. J. Conger, Comp. Dec., Dec. 27, 1911.)

Moneys collected for a trespass in cutting timber from an unperfected homestead claim can not be refunded under the amending act merely because final proof has since been made and final certificate issued. If the cutting was in fact illegal when done, the subsequent proof and issuance of certificate does not satisfy the statutory requirement that the act be "subsequently found to have been legal and proper." (Case of Haney, Comp. Dec., Dec. 27, 1911.)

Where it is found that money has been collected in excess of the sum properly assessable for cutting timber on National Forest land, the excess may be refunded as "erroneously collected for the use of any lands." (Case of Lopez, Comp. Dec., Dec. 27, 1911.)

Money collected under a timber-sale contract for timber supposed to have been cut from National Forest land, but afterwards found to have been cut from private land, may be refunded to the owner of the land under the amending act. (2 Sol. Op., 743.)

No refund can be made to a special-use pasture permittee for deprivation of use by a mere trespasser who removes his fence and grazes part of the land. (1 Sol. Op., 662.)

Unliquidated damages due on account of a trespass can not be set off against moneys in the hands of the Government which should be refunded under the act of March 4, 1907. (2 Sol. Op., 355.)

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U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO WATER POWER (ACT OF FEBRUARY 15, 1901) AND TELEPHONE, TELEGRAPH, AND POWER TRANSMISSION LINES (ACT OF MARCH 4, 1911).

ISSUED BY THE
SECRETARY OF AGRICULTURE
TO TAKE EFFECT
FEBRUARY 24, 1913.

WATER POWER, TELEPHONE, TELEGRAPH, POWER TRANSMISSION LINES.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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THE NATIONAL FOREST MANUAL.

REGULATIONS.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in me by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), and by the act of Congress of March 4, 1911 (36 Stat., 1253), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for the occupancy and use of the National Forests for purposes of power development and utilization, and for telephone, telegraph, and power-transmission lines, the same to supersede all previous regulations for like purposes, and to be of force and effect from the date of this order, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 24th day of February, 1913.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

WATER POWER, ACT OF FEBRUARY 15, 1901.

Reg. L–1. Preliminary power permits will allow the occupancy of the lands of the United States within National Forests, hereinafter called "National Forest lands," for the purpose of securing the data required for an application for final permit and for such construction as may be necessary to preserve water appropriation during that period. Final power permits will allow the occupancy and use of such lands for the construction, maintenance, and operation thereon of project works for the development, transmission, and use of power. Preliminary or final permits for power sites of a total capacity in excess of one hundred (100) horsepower will be granted, extended, and renewed only by the Secretary of Agriculture, hereinafter called "the Secretary." Permits for transmission lines (except such as are included in a general power permit) will be granted, extended, and renewed by the Forester. Permits for power sites of a total capacity of one hundred (100) horsepower or less will be granted, extended, and renewed by the district forester. The Secretary alone may revoke power permits.

Reg. L–2. Application for preliminary or final permits for occupancy or use of lands of the United States should be submitted as follows:

For National Forest lands: To the district forester of the district in which the lands are situated.

For lands of the United States which are outside the National Forests: To the local land office of the land district in which the lands are situated (unless otherwise directed by the regulations of the Department of the Interior).

For lands in part National Forest lands and in part lands of the United States outside the National Forests: In the same manner as for National Forest lands, but the applicant shall also submit to the local land office in the land district in which the lands outside the National Forests are situated such maps and papers and copies thereof as are required in the regulations of the Department of the Interior.

Reg. L–3. Priority of consideration of applications for final power permits shall be initiated in the order of filing complete applications, whether such applications be for preliminary permits as prescribed in Regulation L–10 or for final permits as prescribed in either Regulation L–11 or Regulation L–12. If a preliminary permittee shall file such complete application for final permit before loss of priority initiated by the application for preliminary permit, the priority so initiated shall be maintained by the application for final permit and be effective as of the date of the application for the preliminary permit. Priority shall be maintained, however, only in so far as the projects shown in the application for final permit are within the approximate limits of diversion and discharge as shown in the application for the preliminary permit. Priority initiated or maintained by an application for final permit shall be lost if the applicant fails to make the payment required and to return a duly executed stipulation as prescribed in Regulation L–14 or in Regulation L–15 within 90 days from a date fixed in the letter transmitting such stipulation to him, unless a longer time is allowed by written authority of the Secretary. Priority initiated by an application for preliminary permit shall be lost (1) if the initial payment is not made within 60 days of demand therefor, or (2) if the application for final permit is not filed within the time required in the preliminary permit. Priority initiated or maintained by an application for a permit shall be lost if the permit is revoked. No other application, either preliminary or final, for a like use covering in whole or in part the same or adjacent lands will be accepted from the permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee, and if the permittee is a corporation, to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed as provided in this regulation.

Reg. L–4. Final permits will be issued only in case it appears that the proposed occupancy and use will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No final power permit will be issued if the works to be constructed thereunder will in any way interfere with works operated or constructed or to be constructed under an existing final power permit. No final power permit will be issued

for the construction of works within an area covered by a prior preliminary permit until after the filing of final application or the loss of priority by the prior preliminary permittee. Applications for final power permits involving in whole or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given, in the discretion of the Secretary, to the financial ability and business connections and affiliations of the applicants. Successive preliminary permits may be issued covering the same power site, but in each successive preliminary permit it shall be specified that such permit is subordinate to all outstanding prior permits and shall not adversely affect any rights thereunder.

Reg. L–5. The applicant must file the evidence of initiation of water appropriation as in these regulations hereafter required. Thereafter no protest against the issuance of a permit, if based solely upon alleged lack of water rights, will be considered; nor, in general, will any allegation that the time of beginning or completion of construction has been or is delayed by litigation over water rights be accepted as a sufficient reason for granting any extension of time. Wherever the approval of a local administrative board or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must be filed with the district forester before a final permit will be issued.

Reg. L–6. Unless sooner revoked by the Secretary, a final power permit shall terminate at the expiration of 50 years from the date of the permit. If, however, at any time not less than 2 or more than 12 years prior to the termination of the permit the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of National Forest lands for power purposes, the existing permit will be considered as an application for such new permit.

Reg. L–7. The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation, where any such purpose is directly pursued by the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom,

any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by final permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by preliminary and final permits prior to the operation period.

"Nominal stream flow" means the sum of (*a*) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof, and (*b*) the stream flow made available from storage not by the project works.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the continued product of (1) the factor 0.08;[1] (2) the average effective head, in feet; (3) the stream flow estimated to be available at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works considered as the sum of (*a*) the nominal stream flow and (*b*) stream flow made available from storage by project works; and (4) a factor not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available, and based on the extent of fore-bay storage and the load factor of the power system.

"Rental capacity of the power site" means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site.

(*a*) Whenever power projects include water-conduit sites not wholly on National Forest lands a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not National Forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit (from intake to tail-race outlet) by the per cent of the length of said conduit which is not located on National Forest lands.

(*b*) Whenever power projects include reservoir sites not wholly on National Forest lands a deduction will be made from that part of the total capacity of the power site which is due to the use of stream flow made available from storage by the project works. This

[1] The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

deduction will be the per cent of the total area of the reservoir sites that is not National Forest land.

(*c*) From the total capacity of the power site which remains after deductions (*a*) and (*b*) have been made will be made a further deduction which, in per cent, shall be the product of the square of the distance of primary transmission in miles and the factor of 0.001, but in no case shall deduction (*c*) exceed 25 per cent.

Reg. L–8. The occupancy and use of National Forest lands (otherwise than by transmission lines) under a preliminary or final power permit for power sites of more than 100-horsepower total capacity (except permits to municipal corporations for municipal purposes, or for irrigation, or for temporary construction of project works as in this regulation hereafter specified) will be conditioned on the payment in advance for each calendar year of a rental charge calculated from the "rental capacity of the power site," as defined in Regulation L–7, at the following rates per horsepower per year, unless otherwise ordered by the Secretary:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period	$0.10
For the second full calendar year of each of said periods	.20
For the third year	.30
For the fourth year	.40
For the fifth year	.50
For the sixth year	.60
For the seventh year	.70
For the eighth year	.80
For the ninth year	.90
For the tenth and each succeeding year	1.00

The occupancy and use of National Forest lands by transmission lines, except only where such lines are owned and operated by a municipal corporation for municipal purposes, or are part of a power project under permit, or are to be used temporarily in the construction of project works under permit issued to the same permittee, will be conditioned on the payment in advance for each calendar year of a rental charge of five dollars ($5) for each mile or fraction thereof, unless otherwise ordered by the Secretary.

The rental charges on account of a preliminary power permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting such permit. The rental charges on account of a final power permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting said final permit, provided that said estimated rental capacity may be adjusted by the Secretary (*a*) to provide for changes made during construction, (*b*) annually to provide for changes in ownership of lands in reservoir sites and on water-conduit lines, and for changes in length of primary transmission, (*c*) to provide for changes in nominal stream flow whenever such flow is increased or decreased because of additional storage or otherwise; or (*d*) whenever not less than ten (10) years after the determination of the last preceding estimated value thereof, the permittee shall apply for or the Secretary give notice of a redetermination of the rental capacity of the power site.

The first payment by every permittee shall be the charge for a full year, but any excess of said payment over the pro rata charge for the

unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year.

All payments made for the survey-construction period will be credited to the permittee for the cancellation of charges as they become due in the operation period.

No rental charge will be made for the occupancy and use of National Forest lands under a preliminary or final power permit (except as hereinbefore provided for transmission lines) authorizing such occupancy and use by municipal corporations for municipal purposes, or by other permittees for irrigation as auxiliary to irrigation works owned and operated by the permittees, or for the temporary development of power to be used in the construction of permanent project works under permit issued to the same permittees. Whenever a power project is not used exclusively for the purposes above named, such a proportional part of the full schedule charge for any calendar year will be credited to the permittee as the power developed by the project works and used for the purposes above named bears to the total output of the project works for said year. All amounts so credited will be applied to the cancellation of charges as they may thereafter become due.

If all or any part of the amounts due for rental charges as required in the preliminary permit shall, after due notice has been given, be in arrears for 60 days, then and thereupon the preliminary permit shall terminate and be void without revocation by the Secretary. If all or any part of the amounts due for rental charges, as required in the final permit, shall, after due notice has been given, be in arrears for six months, then and thereupon the final permit shall terminate and be void and will be formally revoked by the Secretary.

At any time not less than 10 years after the issuance of final permit or after the last revision of rates of rental charges thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper: *Provided*, That such rental rates shall not be so increased as to reduce the margin of income (including appreciation in land values) from the power project under premit, over proper actual and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession) is unreasonably small, but the burden of proving such unreasonableness shall rest upon the permittee.

The decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or rentals depends.

Reg. L–9. All applications for power permits, whether preliminary or final, to occupy and use National Forest lands under these regulations shall be filed with the district forester of the district in which the lands are situated and shall, if the applicant be an individual, contain a sworn statement that he is a citizen of the United States. If the applicant is an association of citizens, the application shall contain a sworn statement that each member is a citizen of the United States. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

If the applicant is an incorporated company its application must be accompanied by the papers below in this regulation specified:

(A) A copy of its articles of incorporation, duly certified to by the officer of the State having custody of the original thereof.

(B) When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(C) A true list, signed by the secretary, under the seal of the company, showing the names and designations of its officers and directors at the date of the filing of the items by this regulation required.

Reg. L–10. All applications for preliminary permits to occupy and use National Forest lands for the purpose of securing the data required for an application for final permit for power projects of more than 100 horsepower total capacity shall consist of the following items (in addition to those specified in Regulation L–9), each of which shall be dated and signed by the applicant:

(D) An application in triplicate, on Form 58.

(E) A map on tracing linen, and three print copies, cut to a uniform size and not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with scale so selected as to show upon a single map the power project or projects applied for, showing the approximate location of the dams, reservoirs, conduits, power houses, and other project works. The map shall show: For each reservoir site, the distance and bearing of one extremity of the dam from the nearest existing corner of the public survey and approximately the position of the maximum flow line; and for each water-conduit line, the distance and bearing of each terminus from the nearest existing corner of the public survey and the approximate location of the water conduit. If on unsurveyed land, the distances and bearings may be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

(F) Estimates in triplicate for each power project of (1) the total average effective head to be utilized, and the per cent thereof to be obtained from dam and water conduit, respectively; (2) the stream flow, and the per cent thereof to be made available from storage by the project works and by other works, respectively; (3) the area to be flooded by back water from the diversion dam; (4) the length of the proposed water conduit (from intake to tail-race outlet); (5) the area and available capacity of each proposed storage reservoir; (6) the probable load factor of the power system; and (7) the distance, in miles, of proposed primary transmission.

These estimates should be accompanied by complete statements in detail of all data on which they are based, including stream measurements, rainfall, stream flow and evaporation records, drainage areas, probable points of delivery of power, and any other pertinent information.

(G) A duly certified copy of such notice or application, if any, as is required to be posted or filed, or both, to initiate the appropriation of water under the local laws. This notice or application should provide for use, by the applicant for a power permit or by his

predecessors, of sufficient water for the full operation of the project works.

Application must be made for the occupancy and use of such lands for a definite, limited period only, which period will allow a reasonable time for the preparation and filing of the final application as prescribed in Regulation L–11. The time prescribed in the preliminary permit may upon application be extended by the Secretary if the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen or by some special or peculiar cause beyond the control of the permittee.

An application for a preliminary power permit shall not be complete until every map or paper required by Regulation L–9 and by this regulation shall have been filed in the form prescribed.

Reg. L–11. All applications for final permits to occupy and use National Forest lands for power projects of more than 100 horsepower total capacity shall consist of the following items (in addition to those specified in Regulation L–9):

(D) An application in triplicate on Form 60.

(E) Maps of location and plans of structures on tracing linen, with three print copies cut to uniform size not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with graphical scale not less than 6 inches in length drawn thereon. Separate sheets shall be used for maps of location whenever the whole survey can not be shown upon a single sheet.

(1) The following maps and plans shall be sumbitted for each reservoir that will be a part of the power project or projects applied for: (*a*) A contour map of each reservoir site, dam, and dam site on a scale of not more than 400 feet to the inch, with a contour interval of not more than 10 feet. The contour map for each reservoir site shall show the high-water flow line and in case the reservoir is to be used in whole or in part for diversion purposes, the flow line fixed by the estimated average effective head, and also a table of areas and capacities for each flow line and each contour line. (*b*) A cross section of each dam site along the center line of the proposed dam, with a graphical log properly located thereon of each boring, test pit, or other exploration, and a brief statement of the character and dip of underlying material. (*c*) Plans, elevations, and cross sections of the dams, showing spillways, sluiceways, or sluice pipes, and other outlet works; and also a statement of the volume of the dam, the character of the materials used, and the type of construction.

(2) The following maps and plans shall be submitted for the entire length of each water conduit, from intake to tailrace outlet, that will be a part of the power project or projects applied for: (*a*) A contour map and profile of the entire water-conduit location on a scale of not more than 400 feet to the inch, with contour interval of not more than 10 feet. The contours shall cover either an area of 100 feet in width on each side of the center line of the water conduit or a difference in elevation of at least 25 feet above and below the grade line of the conduit. This map shall show the transit line of the survey and the center line of the proposed final location of the water conduit, including curves between tangents. This map shall also show what sections of the water conduit will be in flume, ditch, tunnel, pipe, etc., and the grade of each section. (*b*) Plans,

elevations, and cross sections of each type of water conduit, showing material, dimensions, grades, flow line, and capacity and plans and elevations of intake works and fore bays.

(3) A contour map on a scale of not more than 50 feet to the inch, with a contour interval of not more than 5 feet, showing the proposed location of the power house, other buildings, etc., shall be filed for each power-house site that will be a part of the power project or projects applied for. This map shall also state the proposed type and estimated number and rated capacity of the water wheels and generators to be used.

(4) A map of the survey of the proposed final location of the center line of the transmission line, on a scale of not more than 1,000 feet to the inch, shall be filed for such portions of transmission lines as are located upon National Forest lands.

(5) A general map of the entire power project or projects applied for (except transmission lines), on such a scale that the entire survey may be shown upon a single sheet; also a similar map showing the entire primary transmission system.

(F) Copies of field notes in triplicate of the entire final location survey of water conduits, and transmission lines, the exterior boundaries of power-house and reservoir sites, and all reference lines to public-land corners.

(G) Estimates in triplicate for each power project of (1) the total average effective head to be utilized, and the per cent thereof to be obtained from dam and from water conduit, respectively; (2) the stream flow, and the per cent thereof made available from storage by the project works and by other works, respectively; (3) the area to be flooded by the dam below the flow line fixed by the estimated average effective head; (4) the length of the proposed water conduit (from intake to tailrace outlet); (5) the area and available capacity of each proposed storage reservoir; (6) the available storage capacity of fore bays (or diversion pond); (7) the probable load factor of the power system, and (8) the distances in miles of primary transmission.

These estimates should be accompanied by complete statements in detail of all data on which they are based, including stream measurements, rainfall, stream flow, and evaporation records, drainage areas, total static head and losses in head, probable maximum, minimum, and average power output, load curves of the power system, efficiencies of machinery, probable points of delivery of power, and all other pertinent information.

(H) Such evidence of water appropriation as is specified in Regulation L–10 (G). If such evidence has been filed with an application for a premliminary permit, only such additional evidence, in general, will be required as will cover appropriations or transfers subsequent to the date of the evidence filed with the application for preliminary permit. But wherever the approval of a local administrative board or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must also be filed with the application for final permit.

(I) A detailed statement in triplicate by the applicant of the time desired for making financial arrangements, for completing prelimi-

nary construction, and for beginning "construction of the project works," as defined in Regulation L–7.

(J) The application shall be accompanied by an affidavit of the applicant's engineer and a certificate of the applicant (see pp. 31 and 32). Affidavits and certificates will not be placed upon maps, plans, and other exhibits, but will be filed as separate exhibit.

The maps and field notes shall show reference lines to initial point of survey, to termini of water conduits, and to termini of transmission lines (when within a National Forest, or not more than 2 miles outside its exterior boundary measured along the transmission line). The maps and field notes shall also show the intersection of the survey line with the lines of public-land subdivision and with boundaries of National Forests and other reservations of the United States.

The termini of water conduits, the termini of transmission lines, the intersections with boundaries of reservations of the United States, and the initial point of survey of power-house sites shall be fixed by reference by course and distance to the nearest existing corner of the public survey. The initial point of the survey of reservoir sites shall be fixed by reference by course and distance to the nearest existing corner outside of the reservoir by a line or lines not crossing an area that will be covered with water when the reservoir is in use. When any such terminus, intersection, or initial point is upon unsurveyed land, it shall be connected by traverse with an established corner of the public survey, and the distance from the terminus, intersection, or initial point to the corner shall be computed and noted on the map. When the nearest established corner of the public survey is more than 2 miles distant, this connection may be with a permanent mark on a natural object or a permanent monument which can be readily found and recognized. The field notes shall give an accurate description of the natural object or monument and full data of traverse as required above. The intersections of the survey lines with section lines of the public-land survey shall be referenced by course and distance to the nearest existing corner along the section lines intersected. If no corner can be found within a half mile of the survey line, the fact may be noted on the map and in the field notes, and the reference omitted. The maps shall also show all lines of public-land subdivisions by official survey; the protractions on unsurveyed land of section and township lines, such protractions in any National Forest to conform to the diagram accompanying the proclamation establishing the boundaries of such National Forest; and the status as to ownership of all lands of the power project or projects, designating separately lands patented, lands of the United States entered or otherwise embraced in an unperfected claim under the public-land laws, unreserved lands of the United States, and, separately for each reservation, lands included within National Forests and other reservations of the United States. Elevations and contour lines shall be based on United States Geological Survey datum whenever available.

Each separate original map, plan, set of field notes, estimates and data, evidence of water appropriation, articles of incorporation, etc., shall be plainly marked "Exhibit A," "Exhibit B," etc., respectively, and referred to by such designation in the application. Maps and plans shall in addition be described in the application by their titles as "Exhibit A, map of location of," etc., "Exhibit B, plan of,"

etc. Duplicate and triplicate copies, etc., should be marked "Exhibit A, duplicate," "Exhibit A, triplicate," etc. Maps should be rolled for mailing, and should not be folded.

An application for final permit shall not be complete until every map or paper required by Regulation L–9 and by this regulation has been filed in the form prescribed.

Reg. L–12. No applications will be received for preliminary permits for the occupancy and use of National Forest lands for power projects of 100 horsepower total capacity or less. Applications for final permits for such occupancy and use shall be in writing, dated, and signed by the applicant, and, in addition to the items specified in Regulation L–9, shall be accompanied by:

(D) Maps showing the location of dams, reservoirs, conduits, power houses, and transmission lines or other works.

(E) Field notes of the survey in triplicate.

(F) A statement in triplicate of the amount of water to be diverted for use; the maximum capacity of the diversion works, and the total average static and effective heads to be utilized.

(G) Such showing as is specified in Regulation L–11 (H).

The map shall consist of one original on tracing linen and three print copies, and shall not be larger than 28 by 40 inches or smaller than 24 by 36 inches, and may be on any convenient scale. The map shall show the status as to ownership of all lands in the power project, designating separately lands patented, lands of the United States entered or otherwise embraced in any unperfected claim under the public-land laws, unreserved lands of the United States, and, separately for each reservation, lands included in National Forests and other reservations of the United States. The map shall also show: For each reservoir site, the distance and bearing of the initial point of survey from the nearest existing corner of the public survey, the location of the maximum-flow line, and the area and available storage capacity of the reservoir; for each water-conduit line, the distance and bearing of each terminus from the nearest corner of the public survey, the location of the center line of the conduit, its length, and the intersections of the center line with the section lines of the public-land survey and boundaries of National Forests and other reservations of the United States; and for each power-house site, the distance and bearing of the initial point of survey from the nearest corner of the public survey, the location of the exterior boundaries of the site, and the area. If on unsurveyed land, the distances and bearings may, if the nearest existing corner of the public survey is more than 2 miles distant, be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

Reg. L–13. Before a final power permit will be issued the permittee shall execute and file a stipulation, which, upon its approval, shall constitute and express the conditions of the permit. Such stipulation shall expressly bind the applicant to such of the items enumerated in Regulation L–14 and other such conditions as may be required.

Reg. L–14. In so far as applicable to the specific occupancy and use under permit, the occupancy and use of National Forest lands for power purposes will be permitted upon the following conditions,

and not otherwise; and these conditions shall also apply to all existing permits, in which the occupancy and use of National Forest land is conditioned upon the compliance by the permittee with the regulations of the Secretary as at any time existing. In general such conditions will be embodied in a stipulation to be signed by the applicant, but whether so embodied or not, and in so far as applicable, the permittee will be bound:

(A) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the final application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved. (See Reg. L–16.)

(B) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter to diligently and continuously prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(C) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit.

(D) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(E) To pay annually, in advance, such rental charges as may be fixed and required by the Secretary under these regulations. (Reg. L–8.)

(F) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of power developed by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amount of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(G) That the books and records of the permittee, in so far as they contain information concerning the power project or projects under permit and the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(H) On demand of the Secretary to maintain a system of accounting of the entire power business conducted in connection with the power project or projects under permit in such form as the Secretary may prescribe or approve, which system as far as is practicable will be uniform for all permittees, and to render annually such

reports of the power business as the Secretary may direct: *Provided, however*, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this clause.

(I) To protect all Government and other telephone, telegraph, and power-transmission lines at crossings of and at all places of proximity to the permittee's transmission line in a workmanlike manner according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain transmission lines in such manner as not to menace life or property.

(J) To clear and keep clear all lands of the power project for such width and in such manner as the Forest officers may direct.

(K) To dispose of all brush, refuse, or unused timber on National Forest lands resulting from the construction and maintenance of the project works, as may be requested by the Forest officers.

(L) To build and repair roads and trails as required by the Forest officers, or other agents of the United States, whenever any existing roads or trails are destroyed or injured by the construction work or flooding under permit; and to build and maintain necessary and suitable crossings for all roads and trails which intersect the water conduit, if any, constructed, maintained, or operated under permit.

(M) To do everything reasonably within the power of the permittee, its employees, contractors, and employees of contractors, both independently and on request of the Forest officers, or other agents of the United States, to prevent and suppress fires upon or near the lands occupied under permit.

(N) To pay the full value, as fixed by the district forester, of all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the project works.

(O) To pay the United States full value resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(P) To indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the permittee.

(Q) To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this clause shall be construed to require the permittee to increase permanent works or to install additional generating machinery.

(R) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

(S) Upon demand therefor in writing from the Secretary to surrender the permit to the United States or to transfer the same to such

State or municipal corporation as the Secretary may designate, and on the conditions specified in this paragraph; also to give, grant, bargain, sell, and transfer with the permit (upon such demand and upon said conditions) all works, equipment, structures, and property then owned or held and then valuable or serviceable in the generation, transmission, or distribution of electrical or other power, and which are then dependent in whole or in part for their usefulness upon the continuance of the permit, together with all interest in any leaseholds of operating property used in connection with the works under permit, and all contracts for the sale and delivery of electrical or other power. The Secretary may require such surrender if the United States shall desire to take over the permit and properties, or whenever a substantial part of such property is situated elsewhere than on National Forest lands he may designate as such transferee any State or municipal corporation which shall desire such transfer: *Provided, however*, That no municipal corporation shall be so designated unless by condemnation it shall have acquired, or unless by proceedings in a court of competent jurisdiction it shall have been determined that such municipality has the right to acquire, such property situated elsewhere than on National Forest lands: *And provided further*, That no such municipal corporation shall be so designated unless it also has the power to acquire the said property and rights of the permittee in accordance with the following conditions. Such surrender or transfer shall be on condition precedent that the United States or such transferee shall first pay to the permittee the reasonable value of all said works, equipment, structures, and other tangible property, and in addition thereto a bonus of three-fourths of 1 per cent of such reasonable value for each full year of the unexpired term of the permit. Such reasonable value shall not include any sum for any permit, franchise, or right granted by the United States, by any State, or by any municipal corporation in excess of the amount (exclusive of any tax or annual charge) actually paid to the United States or to such State or municipal corporation as the compensation for the granting of such permit, franchise, or right, or any sum for any other intangible properties or values whatsoever, it being the intent of this paragraph that all such intangible values shall be covered by the bonus herein provided for. Such reasonable value shall be determinded by mutual agreement between the parties in interest; and, in case they can not agree, by a board of arbitration of three members, one of whom shall be named by the permittee and one by the transferee; the third shall be either the Secretary or some representative whom he may name. The reasonable value, for the purposes of such determination, of such works, equipment, structures, and other tangible property shall be the cost of reproduction of such works, equipment, structures, and other tangible property under substantially the same conditions as existed at the time of the original construction and at prices for labor and material which shall be the average of such prices for the five years next preceding the date of valuation, less a percentage of such reproduction cost equal to the per cent of physical and functional depreciation of the existing works, equipment, structures, and other tangible property.

(T) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price

to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit applied for, or for the occupancy or use of National Forest lands granted thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(U) That the works to be constructed, maintained, and operated under the permit shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect, any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in restraint of trade with foreign nations or between two or more States or within any one State in the generation, sale, or distribution of electric energy or other power.

(V) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time, shall affect only so much of the stipulation or permit as is specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the stipulation or permit.

(W) That the permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized under the permit applied for.

Reg. L–15. During the progress of construction amendments to maps of location or plans of structures will be required from the permittee if there is to be a material deviation from the maps or plans as originally filed, but no deviation will be allowed which interferes with the occupancy and use of lands under existing permits or pending applications. Any approval of any such deviation, or of any amendment of a map or plan, or of any extension of time shall be in the form of a supplemental stipulation and permit so drawn as to become a part of the original stipulation and permit and a substitute for the clauses amended. Any such approval shall apply only to the matter specifically covered thereby, and no such approval shall operate to alter or amend or be in any way a waiver of any other part, condition, or provision of the stipulation or permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Vandyke negatives of the permittee's own working plans. The plans of conduits, dams,

and appurtenant structures must be complete; of power houses, only general layout plans are required.

Reg. L–16. An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only by the written approval of the Secretary after a showing by the permittee satisfactory to the Secretary that beginning or completing construction and beginning operation has been prevented by engineering difficulties that could not reasonably have been foreseen or by other special and peculiar causes beyond the control of the permittee.

Reg. L–17. A final permit may be transferred to a new permittee under the following conditions and not otherwise: The proposed transferee shall file with the district forester of the district in which the lands under permit are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of a stipulation binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

Reg. L–18. If any person shall make a false engineer's affidavit under these regulations the Secretary may order that no map, field notes, plan, or estimate made by such person shall be received or filed while the order is in force. If any person or corporation for himself or itself or as the attorney, agent, or employee of another, shall offer or file any false engineer's affidavit, knowing the same to be false, the Secretary may order that no application for a power permit shall be filed by or received from the person or corporation so offending, either in his or its own behalf or as attorney, agent, or employee of another, and that no power permit shall be issued to such person or corporation while the order is in force.

Reg. L–19. Violation by a final permittee of any of the provisions of these regulations, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit; but attention is called to the statute under which these regulations are issued, which provides:

> That any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No final permit will be deemed to be terminated except upon formal revocation thereof by the Secretary and until the permittee shall have had a reasonable time—not to exceed 90 days—within which to show cause why such revocation should not be made.

Reg. L–20. Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding

by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the stipulation and permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the stipulation and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

RIGHTS OF WAY FOR TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES UNDER THE ACT OF MARCH 4, 1911.

Reg. L–21. Rights of way over National Forest lands for telephone, telegraph, and power-transmission lines, under the act of March 4, 1911 (36 Stat., 1253), will be granted by the Secretary of Agriculture.

Reg. L–22. All applications for rights of way over National Forest lands for power-transmission lines or for telephone or telegraph lines, under the said act of March 4, 1911, shall be filed with the district forester of the district in which the lands to be occupied are situated and shall consist of—

(A) The items specified in Regulation L–9;

(B) Field notes of survey in triplicate;

(C) Maps of location on tracing linen in duplicate with three print copies prepared in the manner prescribed for transmission lines in Regulation L–11. Each sheet of maps shall in addition be verified by an indorsement thereon in the following form:

STATE OF _____
County of _____, *ss:*

_____, being duly sworn, says that beginning on the ____ day of _____, 19__, and ending on the ____ day of _____, 19__, he surveyed for _____ the location of a proposed _____ line described as follows: (Here describe the line by termini and length), and that such survey is accurately represented upon this map and by the accompanying field notes.

_____,
Surveyor.

Sworn to and subscribed before me this ____ day of _____, 19__.

Each sheet of the map must have an application indorsed thereon in the following form:

(Date) _____ ____, 19__.

_____ of _____ hereby applies, under the act of March 4, 1911 (36 Stat., 1253), and the regulations thereunder promulgated by the Secretary, United States Department of Agriculture, for a right of way for a _____ line, the location of which is shown hereon.

_____ ____,
Applicant.

Reg. L–23. The grantee shall, unless otherwise ordered by the Secretary, pay annually in advance a rental charge of $5 for each mile or fraction thereof of National Forest land crossed by power-transmission lines.

Reg. L–24. If the right of way applied for is for telephone or telegraph lines, no rentals will be charged, but the applicant shall

agree to furnish such facilities to Forest officers and to permit such reasonable use of its poles or lines as may be determined upon between the applicant and the district forester at the time of filing the application.

Reg. L–25. The applicant shall file, together with the application as required under Regulation L–22, a stipulation which, upon its approval by the Secretary of Agriculture, shall constitute and express the conditions under which the grant will be made. Such stipulation shall expressly bind the applicant:

(A) To construct its lines upon the locations shown upon the maps submitted with its application and to complete such construction within two years from the date of the grant of the right of way.

(B) To operate its lines continuously after construction is completed, unless upon a full and satisfactory showing that such continuous operation is prevented by unavoidable accident or contingency this condition is temporarily waived by the Secretary.

(C) To pay annually in advance such charges as may be fixed and required by the Secretary for power-transmission lines under these regulations.

(D) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over transmission lines under grant, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the grantee, as may be required, by the Secretary.

(E) That the books and records of the grantee, in so far as they contain information concerning the power-transmission lines under grant, or the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(F) On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power-transmission lines under grant, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this clause.

(G) To protect all Government and other telephone, telegraph, and power-transmission lines at the crossing of and at all places of proximity to the grantee's telephone, telegraph, and power-transmission lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the telephone, telegraph, and power-transmission lines in such a manner as not to menace life or property.

(H) To clear and keep clear National Forest lands along the right of way for such width and in such manner as Forest officers may direct.

(I) To dispose to the satisfaction of the Forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction, maintenance, and operation of its lines under the grant.

(J) To do everything reasonable within the power of the grantee, both independently and on request of the Forest officers, to prevent and suppress fires on or near the lands occupied.

(K) To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the lines under grant.

(L) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of National Forest lands by the grantee.

(M) To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the grantee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this clause shall be construed to require the grantee to increase permanent works or install additional generating machinery.

(N) To abide by such reasonable regulation of the service rendered and to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

(O) That the lines to be constructed, maintained, and operated under the grant shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner, so that they form part of or in any way effect any combination in the form of an unlawful trust; or form the subject of any unlawful contract or conspiracy to limit the output of electric energy; or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy or in the transmission of communications by telephone or telegraph.

(P) That in respect to the regulation by any competent public authority of the service to be rendered by the grantee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the grantee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the right of way granted, nor shall such right of way or grant ever be estimated or considered as property upon which the grantee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

Reg. L–26. The grantee shall not assign or transfer to any other person or corporation whatsoever the right of way granted, except with the approval in writing first obtained from the Secretary of

Agriculture, or other proper officer of the United States, and upon terms and conditions prescribed in said written approval by said Secretary or other officer. The assignee or transferee under any such approval shall take and use the right of way subject to all terms and conditions in these regulations together with the original approved application and grant set forth, and subject to such additional terms and conditions as may be provided by such written approval of the transfer.

Reg. L–27. During the progress of construction amendments to maps of location will be required from the grantee, if there is material deviation from the maps as originally filed, but no deviation or amendment will be allowed which will interfere with the occupancy and use of National Forest lands under existing permits or grants under any of the right-of-way acts of the United States. If, after the completion of construction, there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location must be filed within six months after the completion of construction. Such maps shall show the extent of such deviation, and the final location of the telephone, telegraph, or power-transmission lines as constructed under the authority of the grant.

Reg. L–28. Grants of rights of way will be effective from the date on which the Secretary of Agriculture writes upon the face of the maps his approval thereof.

Reg. L–29. Upon breach by the grantee of any of the terms or conditions set forth in these regulations, or in the approved application, or in the grant, the United States may enforce appropriate remedy therefor by suit for specific performance, injunction, action for damages, or otherwise. And if any such breach shall be continued or repeated after 30 days' notice thereof given in behalf of the United States to the grantee, the right of way granted, together with all rights thereunder and all rental charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.

FORMS.

Form 58. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____Water Power.
Name of Forest.

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.)

(Above blanks not to be filled by applicant.)

APPLICATION FOR PRELIMINARY POWER PERMIT.

The_____, a corporation organized and existing under and by virtue of the laws of the State of_____, and having its office and principal place of business at_____, in the State of_____, citizen__of the United States and__resident of the State of_____, do____hereby make application for a preliminary permit

for_____months, covering certain lands of the United States within the_____National Forest in the State of_____, as such lands are approximately shown upon a certain map executed by_____, on the____day of_____, 191__, which map is filed herewith and made a part hereof. This application is made in order that_____may, upon the filing of a complete and final application in accordance with the regulations of the Secretary of Agriculture, secure a priority for said final application from the date of the filing of this preliminary application.

(Space for insertion of request for construction work if necessary to maintain water rights.)

In witness whereof_____ha__caused this instrument to be executed this____day of_____, 191__.

(Seal of corporation.)

Attest:_____
Secretary.

Subscribed and sworn to before me this____day of_____, 191__.
(Seal.) _____,
Notary Public.

(Copies of this form may be obtained by application to the district foresters.)

Form 58a. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

Certification of receipt of application for power permit or right-of-way grant.

The within application of_____ _____for a _____under the act of_____ ____was first received by me at_____on_____, 191__, having been found incomplete it was returned to the applicant and was again received on_____ _____. The date of priority is_____ _____.

_____,
District Forester.

The within application having been found incomplete when filed on_____ ____was returned to the applicant for correction with a letter of_____ _____, copy of which is attached hereto. The application was found complete as required by the regulation when examined by me on_____ _____.

_____,
District Engineer.

If the application was complete when first received, cancel the portion of the form which is inapplicable. If returned for correction more than once, the additional dates should be written in the blanks and be initialed by the district forester or the district engineer, as the case may be. Use this form for both preliminary and final power applications and right-of-way grants.

Form 59 (revised to Mar. 1, 1913).

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.)

PRELIMINARY POWER PERMIT.

This preliminary power permit, issued this ____ day of _____, 191__, to the _____ Company, hereinafter called "the permittee," a corporation organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at _____, in the State of _____, witnesseth: That,

Whereas the permittee filed with the district forester at _____, on the ____ day of _____, 191__, an application for a preliminary power permit, in accordance with the regulations of the Secretary of Agriculture, hereinafter called "the Secretary;"

And whereas the permittee, on the ____ day of _____, 191__, paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ _____ dollars ($_____):

Now, therefore, the conditions of this permit are as follows:

ARTICLE 1. If the permittee shall, on or before the ____ day of _____, 191__, file with district forester at _____, in the manner prescribed by the regulations of the Secretary, a complete and final application for a permit to occupy and use lands of the United States within the _____ National Forest, as shown upon a certain map executed by _____, on the ____ day of _____, 191__, and made a part of the aforesaid preliminary application, for (1) _____ reservoirs to be located approximately as shown upon the aforesaid map; (2) _____ water conduits to be located between points of diversion and discharge, as approximately shown upon the aforesaid map; (3) _____ power-house sites to be located approximately as shown on the aforesaid map; and (4) _____ transmission lines to be located approximately as shown on the aforesaid map; then and thereupon said final application shall, with reference to priority of application, relate back and be effective as of the date of the aforesaid preliminary application; but final permit will not be issued unless the development proposed in the final application is in general accord with the most beneficial utilization of the resources involved and consistent with the public interest.

ART. 2. If the permittee shall include in said final application National Forest lands which comprehend developments not included within its preliminary application, the priority of its application for such additional lands shall date only from the date of the filing of said final application.

ART. 3. The permittee shall pay annually in advance from the 1st day of January, 191__, until the date of the granting of the aforesaid final permit, to the _____ National Bank of _____ (United States depository) or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States, a charge for the priority rights granted under this permit, which charge shall be calculated from the "rental capacity of the power site," as defined in the regulations of the Secretary and as estimated at the time of granting this permit, at a rate which shall be 10 cents per horsepower per year for the first full calendar year under this permit, and which shall increase by 10 cents per horsepower per year for each year thereafter until the date of the granting of final permit as aforesaid.

ART. 4. If any part of the aforesaid charge, payable as provided in article 2 hereof, shall, after due notice has been given, be in arrears for 60 days, then and thereupon this permit shall terminate and become void.

ART. 5. If upon the filing of the said final application a final power permit is granted by the Secretary to the permittee to occupy and use the aforesaid lands for the construction, maintenance, and, or, operation of the aforesaid works, and in accordance with the provisions of such final power permit, the permittee completes the construction and begins the operation of the aforesaid works, all payments made in consideration of this permit will be credited to the permittee and be applied to the payment of charges due or to become due after such beginning of operation under such final power permit: *Provided, however,* That if such final application provides for only a partial development of the power project or projects, as outlined in the aforesaid preliminary application and as protected by this permit, then only such proportional part of the aforesaid payments will be credited to the permittee as the amount of development provided for in said final application bears to the amount of development indicated in said preliminary application; if, however, after the filing of final application in the form and manner prescribed in the regulations of the Secretary, the Secretary does not grant a final power permit to the permittee, all payments made in consideration of this permit will be returned to the permittee.

ART. 6. This permit shall terminate and become void upon the date named in article 1 hereof, unless extended by the written consent of the Secretary, and such extension will not be granted unless the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen, or by some special or peculiar cause beyond the control of the permittee; and if at the date of the termination of this permit as named in article 1 hereof, or at the date of the termination of any extension of time as herein provided, the permittee has failed to present a complete and final application in the manner and in the form prescribed in article 1 hereof, then and thereupon the aforesaid priority shall be lost, and no other application, either preliminary or final, covering in whole or in part the same or adjacent lands will be accepted from the permittee for a period of one year subsequent to the date of the termination of this permit or to the date of the termination of any extension hereof.

ART. 7.[1] This permit shall give no right to begin construction of any kind or to cut or destroy any timber upon National Forest lands.

ART. 7. The permittee is hereby authorized to begin the construction of the following works:

ART. 8.[1] This permit is subject to a _____ power permit granted to _____ on the ____ day of _____, 19__, and having a priority date of _____ ____, 19__, also to_____

ART. 9. This permit is nontransferable.

In witness whereof I have hereunto set my name this ____ day of _____, 19__.

_____,

Secretary of Agriculture.

Form 60. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.

(Name of Forest.)

_____

(Name of applicant.)

_____ _____

(Use applied for.) (Date of priority of application.)

(Above blanks not to be filled by applicant.)

---

[1] Cancel clauses not used.

APPLICATION FOR FINAL POWER PERMIT.

The _____, a corporation organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at_____, in the State of _____, _____, ____citizen__ of the United States and ____resident__ of the State of _____ _____, do__ hereby make application for permission to occupy and use certain lands of the United States within the _____ National Forest in the State of _____, by constructing, maintaining, and, or, operating thereon for the main purpose of the development of power, the following project works:

(Cancel such of the four following items (*a*), (*b*), (*c*), (*d*) as may not be applicable.)

(*a*) _____, dams approximately _____
(Masonry, earth, etc., diverting or storage.)
_____ feet in maximum height and approximately _____ feet in maximum length, to form _____ reservoirs to flood approximately _____ acres at spillway level,[1] in section _____, township _____, range _____, _____ meridian, of which total of _____acres approximately _____ acres are National Forest land, said dams and said reservoirs being designated, respectively, as follows: _____

(*b*) _____ water conduits, approximately _____ miles in length, respectively,[1] crossings sections _____ township _____, range _____, _____ meridian, of which total of _____ miles, approximately _____ _____ miles will cross National Forest land, said water conduits being designated, respectively, as follows: _____

(*c*) _____ power houses and appurtenant structures to occupy approximately _____ acres, respectively,[1] in section _____ _____, township _____, range _____, _____ meridian, of which total of _____ acres, approximately _____ acres are National Forest land, said power houses being designated, respectively, as follows: _____

(*d*)_____transmission lines_____ miles in length, respectively,[1] crossing sections_____, township _____ _____, range_____, _____ meridian, of which total of_____miles approximately_____miles will cross National Forest land, said transmission lines being designated as follows: _____

All as approximately shown upon certain maps and plans executed by _____on the____day of_____19__, which maps and plans are filed together herewith and designated as follows:_____
(Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan, as "Exhibit A," Map of Location of, etc.; "Exhibit_____," Plan of, etc.)_____

which maps and plans, together with certain field notes, estimates and data, evidence of water rights, articles of incorporation, etc., designated, respectively,

[1] If land is unsurveyed, substitute for the description by legal subdivisions in paragraphs (*a*), (*b*), (*c*), and (*d*) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the district forester on the ____ day of _____, 19__."

as "Exhibit_____," "Exhibit_____," _____ _____are hereby made a part of this application.

This application has been prepared to be filed in accordance with the regulation of the Secretary of Agriculture, in order that_____ _____may obtain the benefits of the act of Congress approved February 15, 1901, entitled "An act relating to rights of way through certain parks, reservations, and other public lands;" and the use and occupancy of National Forest lands for which this application is made is desired in order to construct, maintain, and, or, operate thereon the aforesaid project works for the purpose of developing power_____

(Add use to which power is to be put and any other purpose for _____ which land may be desired.)

_____

In witness whereof_____ha__ caused this instrument to be executed this____day of_____, 19__

_____ _____

[Seal of corporation.] _____ _____

_____ _____

Attest:

_____ _____,

Secretary.

Subscribed and sworn to before me this____day of_____, 19__

[Seal.] _____ _____,

Notary Public.

(Copies of this form may be obtained from the district forester.)

60a. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

Form of affidavit of engineer to accompany application for final power permit.

STATE OF_____ }
*County of*_____ } *ss:*

_____ _____ being duly sworn, says he is the engineer of (or the person employed to make the surveys, collect the data, make the estimates, and prepare the designs and plans by) the _____ _____ Company; that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and described as follows: _____ _____

(Describe as in the application, Form 60.)

_____ _____ _____

being a total length of water conduit of _____ miles, a total length of transmission lines of _____ miles, a total area of reservoir site of _____ acres, and a total area of power-house site of _____ acres was made by him (or under his direction) under authority of said _____ Company; that said survey was commenced on ____ ____ and completed on ____ ____, 19__; that said survey represents the proposed final location of said water conduits, transmission lines, reservoir sites, and power-house sites, and that said survey is accurately represented upon the maps herein described; he further says that the notes of survey filed together herewith as Exhibit _____ _____ are the notes of the above described survey; that said notes are a true and complete copy of an actual location survey made upon the ground by him (or under his direction) within the dates above named; and that all of said notes and no others were used in the preparation of the maps herein described; he further says that the plans of structures filed together herewith and described as follows: _____ _____

(Describe as in the application, Form 60.)

_____ _____

were prepared by him (or under his direction) under authority of said_____ _____ Company; that the designs as shown upon said plans represent safe, proper, and adequate structures for the full economic utilization of the power available for development at the location shown upon the maps herein described; and he further says that the data and estimates filed together herewith as Exhibit _____ were prepared by him (or under his direction) under authority of said _____ _____ Company; that the estimates shown in said Exhibit _____ _____ are based upon the said data, being all the data available therefor; and that said estimates represent, in his best judgment and belief, the amount of power that can be developed, under the condition specified, by the works shown upon the maps and plans herein described.

_____ _____,
Engineer.

Subscribed and sworn to before me this ____ day of _____, 19__.
[Seal.] _____ _____,
Notary Public.

NOTE.—This affidavit form is not to be placed upon map, plans, or other exhibits but is to be typewritten and filed as "Exhibit _____" of the application. See Regulation L–11 (J). If the above described work has been done by or under the direction of more than one engineer each should subscribe to an affidavit covering the part of the work for which he is responsible.

60b. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

Form of certificate of applicant to accompany application for final power permit.

I, _____ _____, do hereby certify that I am the _____ of the _____ Company; that _____, who subscribed (respectively) to the foregoing affidavit__, is (are) the engineer__ of (said company) (the person__ employed by said company to do the work evidenced on the (respective) affidavit__); that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and designated as follows, _____ _____

(Designate as in affidavit.)

_____ _____ the notes of survey as given in "Exhibit _____," filed together herewith, the designs of structures as shown upon the plans filed together herewith and designated as follows: _____ _____ _____

(Designate as in affidavit.)

the collection of data and the estimates of power as given in "Exhibit _____," filed together herewith, were made under authority of said (company); that said (company) is fully authorized by its articles of incorporation to construct, maintain, and operate water conduits, transmission lines, dams, reservoirs, and power houses upon the location shown upon the above described maps, and of the design shown upon the above described plans; that said locations and said designs have been adopted by said (company) as the approximate final locations and the approximate final designs of said water conduits, transmission lines, dams, reservoirs, and power houses; that said estimates as shown by said "Exhibit _____" have been approved by said (company); and that in accordance with the regulations of the Secretary of Agriculture, the maps, plans, estimates, and data herein described have been prepared as a part of an application of said (company) dated _____, 19__, and bearing my signature (as _____ _____ of said company).

_____ _____.
[Seal of company.] _____ *of the company.*
Attest:

_____ _____,
Secretary.

Form 61. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

----------, Water Power.
(Name of Forest.)

(Name of applicant.)

---------- ----------
(Use applied for.) (Date of priority of application.)

POWER STIPULATION

The ---------- Company having on the ____ day of ------, 19__, filed with the district forester at ---------- ---------- an application, in accordance with the regulations of the Secretary of Agriculture, for a permit to occupy and use certain lands of the United States within the ---------- National Forest in the State of ---------- and more particularly described in and shown by the maps and plans accompanying said application and made a part thereof, upon which to construct, maintain, and operate certain project works described in said application for the purpose of storing, conducting, and, or, using water for developing power and for the purpose of transmitting said power does hereby, in consideration of and as a prerequisite to the approval of the said application and the granting of the permit applied for, stipulate and agree as follows, to wit:

Definition of terms.

ARTICLE 1. That the following terms wherever used in this stipulation shall have the meanings hereby in this article assigned to them, viz:

"Permittee" means the ---------- Company, a corporation organized and existing under and by virtue of the laws of the State of ---------- and having its office and principal place of business at ---------- in the State of ----------

"Secretary" means the Secretary of Agriculture of the United States of America, or his successsor, or his duly authorized representative, or such other officer or agent of the United States as may be legally designated.

"National Forest lands" means public lands of the United States reserved under the terms of the act of March 3, 1891 (26 Stat., 1095) as amended by the act of June 4, 1897 (30 Stat., 11).

"Permit," as used in this stipulation, means the final power permit applied for by the permittee upon the ------ day of ----------, 19__, in accordance with the regulations of the Secretary under the act of February 15, 1901 (31 Stat., 790), and in consideration of which this stipulation is filed with the district forester.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation, where any such purpose is directly pursued by the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by final permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by preliminary and final permits prior to the operation period.

"Nominal stream flow" means the sum of (*a*) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof and (*b*) the stream flow made available from storage not by the project works.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the continued product of (1) the factor 0.08;[1] (2) the average effective head, in feet; (3) the stream flow estimated to be available at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works) considered as the sum of (*a*) the nominal stream flow and (*b*) stream flow made available from storage by project works; and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Rental capacity of the power site" means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site:

(*a*) Whenever power projects include conduit sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not National Forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit (from intake to tailrace outlet) by the per cent of the length of said conduit which is not located on National Forest lands.

(*b*) Whenever power projects include reservoir sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of stream flow made available from storage by the project works. This deduction will be the per cent of the total area of the reservoir sites that is not National Forest land.

(*c*) From the total capacity of the power site which remains after deductions (*a*) and (*b*) have been made will be made a further deduction, which, in per cent, will be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case will deduction (*c*) exceed 25 per cent.

Amendment of maps and plans.

ART. 2. To construct its works on the locations shown upon the maps and in accordance with the plans specifically described in its final application for permit, filed with the district forester at _____ on the ____ day of _____, 19__, which said maps and plans are hereby made a part of this stipulation, and to make no material deviation from said locations or from said plans unless and until maps or plans showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be allowed which will interfere with the occupancy and use of National Forest lands under existing permits, or conflict with prior rights under pending applications.

[1] The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

ART. 3. To file, within six months after the completion of each part of the project works, as required in article 5 hereof, in the manner prescribed for original maps of location, maps showing the final location of such part of the project works as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof; and to file also within six months of the completion of each part of the project works as aforesaid, in such manner as may be prescribed by the Secretary, detailed working plans of each part of the project works as constructed, except of such parts as have been constructed in compliance with the plans originally filed or approved amendments thereof.

Beginning and completion of construction and beginning of operation.

ART. 4.[1] To begin the construction of the aforesaid project works within the period of _____ months from the date of execution of the permit and thereafter diligently and continuously to prosecute such construction, unless such construction is temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

ART. 4[1]. To begin the construction of the following several parts of the aforesaid project works within the several periods in this article provided, which periods shall begin on the date of execution of the permit and thereafter diligently and continuously to prosecute such construction, unless such construction is temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(1) Within _____ months, part 1, consisting of_____

_____

_____

ART. 5.[1] To complete the construction and begin the operation of the aforesaid project works within a period of _____ months from the date of execution of the permit.

ART. 5.[1] To complete the construction and begin the operation of the following several parts of the aforesaid project works within the several periods in this article provided, which period shall begin on the date of execution of the permit.

(1) Within _____ months, part 1, consisting of _____

_____

_____

ART. 6. That it is understood, if at the date of the termination of any one of the periods specified in article 4 hereof, unless such period is extended by the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary that such beginning of construction of that part of the project works required to have been begun within such period has been prevented by the act of God, or by the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee, that thereupon the permission to occupy and use National Forest lands for all parts of said project works, the construction of which has not been begun on said date shall terminate and become void; and that the permit, in so far as such parts of said project works are concerned, shall become of no effect.

ART. 7. That it is understood that the periods specified in article 5 hereof for the completion of construction and the beginning of operation of the several parts of the project works will be extended only upon the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary, that the completion of construction and beginning of operation has been prevented by the act of God, or the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee; and if such extension be not approved, that thereupon the permission to occupy and use National Forest lands for such parts of said project works shall terminate and become void; and that the permit, in so far only as such parts of said project works are concerned, shall become of no effect.

ART. 8. That, except when prevented by the act of God, or by the public enemy, or by unavoidable accidents or contingencies, the permittee will, after the

[1] Use the first form of articles 4 and 5 when but one complete power project is to be constructed and it is inadvisable to separate it into two or more units of construction. When several distinct power projects are involved, or where it may be desirable to divide a single power project into two or more units of construction, use the second form of articles 4 and 5. Cancel form not used.

beginning of operation, continuously operate for the development of power the project works constructed, maintained, and, or, operated in whole or in part under the permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived by the written consent of the Secretary.

Capacities of power site.

ART. 9. That the total capacity of the power site, permission for the occupancy and use of which, in whole or in part, has been applied for, shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows:_____

_____

_____

and that the part of the aforesaid total capacity which is due to the use of the nominal stream flow shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows: _____

_____

_____

and that the part of the aforesaid total capacity which is due to the use of stream flow made available from storage by the project works shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows_____

_____

_____

it being understood that if any approved alterations or amendments of the maps of location or plans of project works, as provided for in article 2 and article 3 hereof, or any permanent change in the nominal stream flow, due to storage or otherwise, shall result in an increase or decrease in the total capacity of the power site, or of either part thereof, or of both, as said capacities are hereinbefore taken, said increased or decreased power capacities shall, from the beginning of the calendar year next succeeding the date of such approval, or of such change in nominal stream flow, be deemed and taken to be, for the purposes of this stipulation, the capacities of the power site occupied and used, in whole or in part, under the permit; and *it being further understood* that if at any time not less than ten (10) years after the original or after the last preceding determination of the said total capacity of the power site, or of either part thereof, or of both, either the permittee or the Secretary, on the ground of the inaccuracy, insufficiency, or inapplicability of the data upon which said original or said last preceding determination or said capacities was made, shall apply for or give notice of review of said original or said last preceding determination, then and thereupon such review shall be taken by the Secretary and a redetermination of the capacities shall be made, and the said redetermined capacities shall, for the purposes of this stipulation, and from the beginning of the next calendar year, be deemed and taken to be the capacities of the power site occupied and used in whole or in part under the permit.

ART. 10. To pay annually in advance from the 1st day of January 191__, to the _____ National Bank of _____ (United States depository) or such other Government depository or officer as may be hereafter legally designated, to be placed to the credit of the United States, a rental charge for the occupancy and use of the lands of the United States described and shown upon the maps hereinbefore referred to, which rental charge shall be calculated from the "rental capacity of the power site," as defined in article 1 hereof, at the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period and similarly for the operation period	$0.10
For the second full calendar year of each of said periods	.20
For the third year	.30
For the fourth year	.40
For the fifth year	.50
For the sixth year	.60
For the seventh year	.70
For the eighth year	.80
For the ninth year	.90
For the tenth and each succeeding year	1.00

it being understood that said estimated rental capacity may be adjusted annually by the Secretary to provide for changes in ownership of lands in reservoir sites and on water conduit lines and for changes in length of primary transmission; and *it being further understood* that at any time not less than ten (10) years after the issuance of the permit, or after the last revision of rates of rental charge thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper; provided that such rental rates shall not be so increased as to reduce the margin of income (including appreciation in land values) from the power project or projects under the permit over proper, actual, and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession), is unreasonably small; but the burden of proving such unreasonableness shall rest upon the permittee.

ART. 11. That it is understood that if the permittee completes the construction and begins the operation of each of the several parts of the aforesaid project works within the periods provided for in article 5 hereof or any approved extension thereof, then and thereupon all charges for the occupancy and use of National Forest lands for said part of said project works so completed and operated which have been paid prior to the date of such completion and operation will be credited to the permittee and will be applied to the payment of charges due at the date of such completion and operation or to become due thereafter.

ART. 12. That it is understood that if any part of the power developed by the project works under the permit is used by the permittee itself for irrigation as auxiliary to irrigation works owned and operated by the permittee, or for the temporary development of power to be used in the construction of permanent project works under permit to the permittee, such a proportional part of the full schedule charge for any calendar year will be credited to the permittee as the power developed by the project works and used for the purposes above named bears to the total output of the project works for said years; and that all amounts so credited will be applied to the cancellation of charges as they may thereafter become due.

ART. 13. That it is understood that if any part of the aforesaid rental charge, payable as hereinbefore provided, shall, after due notice has been given, be in arrears for six (6) months, then and thereupon the permit and the authority granted thereunder to occupy and use National Forest lands shall terminate and be void.

ART. 14. That the decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or charges depends.

Records and accounts.

ART. 15. On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters, measuring weirs, gauges, and, or, other devices approved by the Secretary and adequate for the determination of the amount of power developed by the project works and of the flow of the streams from which the water is to be diverted for the operation of said works, and of the amount of water used in the operation of said works, and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing to the satisfaction of the Secretary, and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

ART. 16. That the books and records of the permittee, in so far as they contain information concerning the power project or projects under the permit, or the power business conduction in connection therewith, shall be open at all times to the inspection and examination of the Secretary.

ART. 17. Upon the demand of the Secretary to maintain in such form as the Secretary may prescribe or approve a system of accounting of the entire power business transacted in connection with the power project or projects under the permit and to render annually such reports of said power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the said power business or any part thereof is transacted require periodical reports from public utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

Miscellaneous requirements.

ART. 18. To protect all Government and other telephone, telegraph, and power transmission lines at crossings of and at all places of proximity to the permittee's transmission lines in a workmanlike manner according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the transmission lines in such manner as not to menace life or property.

ART. 19. To clear and keep clear all lands of the power project for such width and in such manner as the Secretary may direct.

ART. 20. To dispose of all brush, refuse, or unused timber on National Forest lands resulting from the construction and maintenance of the project works as may be required by the Secretary.

ART. 21. To build and repair roads and trails as required by the Secretary, whenever any existing roads or trails are destroyed or injured by the construction work or flooding under the permit, and to build and maintain necessary and suitable crossings, as required by the Secretary, for all roads and trails which intersect the water conduit, if any, constructed, maintained, and operated under the permit.

ART. 22. To do everything reasonably within its power and to require of its employees, contractors, and employees of contractors to do all reasonably within their power, both independently and upon the request of the forest officers, to prevent and suppress forest fires upon and near the lands to be occupied under the permit.

ART. 23. To pay in advance, as required by the Secretary, to the United States depository or officer as above set forth in article 10 hereof, to be placed to the credit of the United States, the full value as fixed by the Secretary of all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, or operation of the project works.

ART. 24. To pay, on demand of the Secretary. to the United States depository or officer, as above set forth in article 10 hereof, to be placed to the credit of the United States, full value for all damage to the lands or other property of the United States resulting from the breaking of, or the overflowing, leaking, or seeping of water from the project works constructed, maintained, and, or, operated under the permit, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or that of its employees, contractors, or employees of contractors.

ART. 25. To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of National Forest lands by the permittee.

ART. 26. To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this article shall be construed to require the permittee to increase its permanent works or to install additional generating machinery.

ART. 27. To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 28. That upon demand therefor in writing from the Secretary the permittee will surrender the permit to the United States or transfer the same to such State or municipal corporation as the Secretary may designate, and on the conditions specified in this article, and will also give, grant, bargain, sell, and transfer with the permit (upon such demand and upon said conditions) all works, equipment, structures, and property then owned or held and then valuable or serviceable in the generation, transmission, or distribution of electrical or other power, and which are then dependent in whole or in part for their usefulness upon the continuance of the permit, together with all interest in any leaseholds of operating property used in connection with the works under the permit, and all contracts for the sale and delivery of electrical or other power: that the Secretary may require such surrender, if the United States shall desire to take over the permit and properties or, whenever a substantial part of such property is situated elsewhere than on National Forest lands, he may designate as such transferee any State or municipal corporation which shall desire such transfer: *Provided, however*, That no municipal corpo-

ration shall be so designated unless by condemnation it shall have acquired, or unless by proceedings in a court of competent jurisdiction it shall have been determined that such municipality has the right to acquire, such property situated elsewhere than on National Forest lands: *And provided further*, That no such municipal corporation shall be so designated unless it also has the power to acquire the said property and rights of the permittee in accordance with the following conditions; that such surrender or transfer shall be on condition precedent that the United States or such transferee shall first pay to the permittee the reasonable value of all said works, equipment, structures, and other tangible property, and in addition thereto a bonus of three-fourths of 1 per cent of such reasonable value for each full year of the unexpired term of the permit; that such reasonable value shall not include any sum for the permit, or for any other franchise or right granted by the United States, by any State, or by any municipal corporation, in excess of the amount (exclusive of any tax or annual charge) actually paid to the United States, or to such State or municipal corporation, as the compensation for the granting of such franchise or right, or any sum for any other intangible properties or values whatsoever, it being understood that all such intangible values shall be covered by the bonus herein provided for; that such reasonable value shall be determined by mutual agreement between the parties in interest, and in case they can not agree by a board of arbitration of three members, one of whom shall be named by the permittee and one by the transferee, the third shall be either the Secretary or some representative whom he may name; and that the reasonable value for the purposes of such determination, of such works, equipment, structures, and other tangible property shall be the cost of reproduction of such works, equipment, structure, and other tangible property under substantially the same conditions as existed at the time of the original construction and at prices for labor and material which shall be the average of such prices for the five years next preceding the date of valuation, less a percentage of such reproduction cost equal to the per cent of physical and functional depreciation of the existing work, equipment, structures, and other tangible property.

ART. 29. That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit, or for the occupancy or use of National Forest lands granted thereunder, nor shall the permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

ART. 30. That the works constructed, or to be constructed, maintained, and, or, operated under the permit, will not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect, any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in restraint of trade with foreign nations or between two or more States or within any one State in the generation, transmission, distribution, or sale of electrical or other power.

In witness whereof the permittee has executed this stipulation on the ____ day of _____, 19__.

_____

[SEAL.] By _____

Attest:

_____,

Secretary.

Form 61b.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

ACKNOWLEDGMENT.

State of _____ } ss:
County of _____ }

On this ____ day of _____, 19__, before me, a notary public in and for said county, duly commissioned and sworn, my commission expiring _____, 19__,

personally came _____, to me personally known, who being by me duly sworn, did depose and say that he resides in _____; that he is the _____ _____ of the _____ Co.; that the said company is the corporation which is described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order, and the said _____ _____ acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and official seal the day and year first above written.

_____, _____,

[Notarial Seal.] *Notary Public.*

This form of acknowledgment should accompany all stipulations for final power permits, transmission-line permits, and right-of-way grants.

Form 62. (Revised to March 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.

FINAL POWER PERMIT.

Whereas the _____ Company (hereinafter called "the permittee") filed with the district forester at _____ _____, on the ____ day of _____, 19__, in accordance with the regulations of the Secretary of Agriculture (hereinafter called "the Secretary") under the act of February 15, 1901, an application for permission to occupy and use, for the development, transmission, and distribution of power, certain lands of the United States within the _____ National Forest, in the State of _____, and more particularly described and shown by the maps, field notes, plans, estimates, and data accompanying the said application; and

Whereas the aforesaid maps and plans, as hereinafter specifically described, have been adopted by the permittee as the maps of the approximate final location, and as the approximate plans of the project works which the permittee proposes to construct under this permit; and

Whereas the permittee has paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ dollars ($_____); and

Whereas the permittee on the _____ day of _____, 19__, executed, and on the _____ day of _____, 19__, filed with the district forester at _____ _____ a stipulation required by the Secretary as a condition to the issuance of this permit:

Now, therefore, I _____ Secretary of Agriculture of the United States, in accordance with the authority conferred upon me by the act of February 15, 1901, do authorize the permittee, subject to the regulations of the Secretary and to the provisions hereinafter set forth, to occupy and use the lands hereinbefore referred to, and to construct, maintain, and, or, operate thereon, for the purposes in article 1 below set forth, the following project works:

(Cancel such of the four following items (*a*), (*b*), (*c*), and (*d*) as may not be applicable.)

(*a*) _____ dams approximately
(Masonry, earth, etc., diverting or storage.)
_____ feet in maximum height and approximately _____ feet in maximum length, to form _____ reservoirs to flood approximately _____ acres at spillway level (*), in section _____ township _____, range _____, _____ meridian, of which total of _____ acres approximately _____ acres are National Forest land, said dams and said reservoirs being designated, respectively, as follows: _____
_____
_____

(*b*) _____ water conduits approximately _____ miles in length, respectively, (*) crossing sections _____ township _____ _____, range _____, _____ meridian, of which total of _____ miles approximately _____ miles will cross National Forest land, said water conduits being designated, respectively, as follows: _____
_____
_____

(*c*) _____power houses and appurtenant structures to occupy approximately _____ acres, respectively (*), in section _____
_____
township _____, range _____, _____ meridian, of which total of _____ acres approximately _____ acres are National Forest land, said power houses being designated, respectively, as follows: _____
_____
_____
_____
_____
_____
_____

(*d*) _____transmission lines_____miles in length, respectively (*), crossing sections_____, township_____, range_____, _____meridian, of which total of _____miles approximately_____miles will cross National Forest land, said transmission lines being designated as follows: _____
_____
_____

All as approximately shown upon certain maps and plans executed by_____ _____on the____day of_____, 19__, which maps and plans are filed togethed herewith and designated as follows:

(Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan, as "Exhibit A," map of location of, etc.; "Exhibit_____," plan of, etc.)

_____
_____
_____
_____
_____

which maps and plans, together with certain field notes, designated as "Exhibit_____."

ARTICLE 1. The project works to be constructed, maintained, and, or. operated under this permit shall be constructed, maintained, and, or, operated for the purpose of storing, conducting, and, or, using water for the development of power or for the purpose of the transmission and use of said power.

(*) If land is unsurveyed, substitute for the description by legal subdivisions in paragraphs (*a*), (*b*), (*c*), and (*d*) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the district forester on the_____day of_____, 19__."

ART. 2. Unless sooner revoked by the Secretary this permit shall terminate and become void at the expiration of fifty (50) years from the date hereof, but at said expiration may be deemed to be an application by the permittee for a new permit to occupy and use such National Forest lands as are occupied and used under this permit: *Provided*, That the permittee shall, not less than two (2) or more than twelve (12) years prior to the termination of said fifty (50) years, formally notify the Secretary that it desires such new permit, and shall comply with all laws and regulations at such time existing governing the occupancy and use of National Forest lands for power purposes.

ART. 3. Any violation of or failure to comply with the provisions or conditions of any article of the aforesaid stipulation, whether or not such article provides that such violation or noncompliance shall result in the revocation of this permit, shall be deemed and taken to be a sufficient cause for such revocation; but *it is understood* that the statute under which this permit is issued provides

> that any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No revocation, however, of this permit either in whole or in part will be made until after due notice thereof has been served upon the permittee, and until after the permittee shall have been given a reasonable time, not to exceed ninety (90) days after the service of said notice, within which to show cause why such revocation should not be made.

ART. 4. This permit, and the permission granted hereunder to occupy and use National Forest lands, may be transferred to a new permittee under the following conditions, and not otherwise: The proposed transferee shall file with the district forester of the district in which the lands to be occupied are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof; also an application by the proposed transferee in the form of a stipulation, binding the proposed transferee to the performance of such new and additional conditons expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such stipulation and so approved.

ART. 5. Any power project, permission to construct which is granted by this permit, or any part of such project, may be abandoned by the permittee upon the written approval of the Secretary, after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development or use of such power project, or part thereof so abandoned, and after the fulfillment by the permittee of all obligations under the aforesaid stipulation, in respect to payment, or otherwise, existing at the time of such approval.

ART. 6. Upon the voluntary abandonment of the occupancy and use of National Forest lands, as authorized by this permit (except as provided for in article 4 hereof), or upon the revocation of this permit, or upon the nonexecution of a new permit at the termination of this permit, all permanent project works which have been constructed under the authority of this permit, such as reservoirs, dams, and operating mechanism, water conduits and operating mechanism, power houses, and other buildings shall become and remain the property of the United States, *Provided, however*, That if said revocation or abandonment shall, as provided for in the aforesaid stipulation, affect only a part of the project works, the construction of which is authorized by this permit, the provisions of this article shall apply only to such parts of said project works as are affected by such revocation or abandonment. The mechanical equipment of power houses shall remain the property of the permittee, and may be removed within a reasonable time, not to exceed six (6) months after such abandonment, revocation, or termination, unless other disposition of such equipment is approved by the Secretary.

ART. 7. This permit is subject to all prior valid claims and permits which are not subject to the occupancy and use hereby authorized.

In witness whereof I have hereunto set my hand this____day of ------, 19--

---------- ----------,

Secretary of Agriculture.

Form 63 (Revised to March 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date or priority of application.)

TRANSMISSION LINE PERMIT.

Whereas the_____Company (hereinafter called "the permittee") filed with the district forester at_____ on the_____day of_____, 19__, in accordance with the regulations of the Secretary of Agriculture (hereinafter called "the Secretary") under the act of February 15, 1901, an application for permission to occupy and use for the transmission of electric power certain lands of the United States within the_____National Forest, in the State of_____ _____, and more particularly described and shown by the maps and field notes accompanying the said application; and

Whereas the aforesaid maps, as hereinafter specifically described, have been adopted by the permittee as the maps of approximate final location of the transmission line__ which the permittee proposes to construct under this permit; and

Whereas the permittee has paid to the_____ National Bank of_____(United States depository), to be placed to the credit of the United States, the sum of_____dollars ($_____); and

Whereas the permittee on the_____ day of_____, 19__, executed and on the_____day of_____, 19__, filed with the district forester at_____a stipulation required by the Secretary as a condition to the issuance of this permit;

Now, therefore, I_____, Secretary of Agriculture of the United States, in accordance with the authority conferred upon me by the act of February 15, 1901, do authorize the permittee, subject to the regulations of the Secretary and to the provisions hereinafter set forth, to occupy and use the lands hereinbefore referred to, and to construct, maintain, and operate____transmission line__thereon, as such transmission line__is (are) approximately shown upon_____certain maps and is (are) described in certain field notes executed by_____, on the _____day of_____, 19__, which maps and field notes are filed together herewith and designated as follows:_____

(Designate each original map as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map, as "Exhibit A," map of location of, etc. Also designate field notes as "Exhibit____")

_____
_____
_____
_____
_____
_____

which maps and field notes are hereby made a part of this permit.

ARTICLE 1. Unless sooner revoked by the Secretary, this permit shall terminate and become void at the expiration of fifty (50) years from the date hereof, but at said expiration may be deemed to be an application by the permittee for a new permit to occupy and use such National Forest lands as are occupied and used under this permit; *Provided*, That the permittee shall, not less than two (2) or more than twelve (12) years prior to the termination of said fifty (50) years, formally notify the Secretary that it desires such new permit, and shall comply with all laws and regulations at such time existing, governing the occupancy and use of National Forest lands for power purposes.

ART. 2. Any violation of or failure to comply with the provisions or conditions of any article of the aforesaid stipulation, whether or not such article provides that such violation or noncompliance shall result in the revocation of this permit, shall be deemed and taken to be a sufficient cause for such revocation; but it is understood that the statute under which this permit is issued provides

> that any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No revocation, however, of this permit will be made until after due notice thereof has been served upon the permittee and until after the permittee shall have been given a reasonable time within which to show cause why such revocation should not be made.

ART. 3. This permit and the permission granted hereunder to occupy and use National Forest lands may be transferred to a new permittee under the following conditions, and not otherwise; the proposed transferee shall file with the district forester of the district in which the lands to be occupied are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of a stipulation binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such stipulation and so approved.

ART. 4. Any transmission line, permission to construct which is granted by this permit, or any part thereof, may be abandoned by the permittee upon the written approval of the Secretary, after a finding by the Secretary that such abandonment will not be contrary to the public interest and after the fulfillment by the permittee of all obligations under the aforesaid stipulation in respect to payment or otherwise, existing at the time of such approval.

ART. 5. Upon the voluntary abandonment of the occupancy and use of National Forest lands, as authorized by this permit (except as provided for in article 3 hereof), or upon the revocation of this permit, or upon the nonexecution of a new permit at the termination of this permit, all permanent works which have been constructed under the authority of this permit shall become and remain the property of the United States.

ART. 6. This permit is subject to all prior valid claims and permits which are not subject to the occupancy and are hereby authorized.

In witness whereof I have hereunto set my hand this _____ day of _____, 19__.

_____,
Forester.

Form 68.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

Transmission line.

_____
(Date of priority application.)

TRANSMISSION LINE STIPULATION.

(Act of February 15, 1901.)

The _____
Company, hereinafter called "the permittee," having on the _____ day of _____, 19__, filed with the district forester at _____ _____, an application, in accordance with the regulations of the Secretary of Agriculture, hereinafter called "the Secretary," for a permit to occupy and use certain lands of the United States within the _____ National Forest in the State of _____, and more particularly described in and shown by the maps accompanying said application, and made a part thereof, upon which to construct, maintain, and operate a certain transmission line, or lines, described in said application for the purpose of transmitting electric power, does hereby, in consideration of and as a prerequisite to the approval of the said application and the granting of the permit applied for, stipulate and agree as follows, to wit:

ARTICLE 1. To construct its transmission line or lines on the location shown upon the maps, specifically described in its final application for permit, filed with the district forester at _____, on the _____ day of _____, 19__, which said maps are hereby made a part of this stipulation, and to make no material deviation from said locations until maps showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be approved which will interfere with the occupancy and use of National Forest lands under existing permits, or conflict with prior rights under pending applications.

ART. 2. To file within six (6) months after the completion of the transmission line or lines, as required in article 3 hereof, in the manner prescribed for original maps of location, maps showing the final location of each line or lines as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof.

ART. 3. To begin the construction of the aforesaid line or lines within a period of _____ months from the date of the permit for which application has been made, and to complete the construction of said line or lines within the period of _____ months from said date.

ART. 4. That except when prevented by the act of God or by the public enemy or by unavoidable accident or contingency, the permittee will, after the beginning of operation, continuously operate for the furnishing or transmitting of electric power the transmission line or lines constructed, maintained, and operated in whole or in part under the aforesaid permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived with the written consent of the Secretary.

ART. 5. To pay to the _____ National Bank of _____ (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States a charge annually in advance during the decade beginning January 1, 19__, of _____ dollars ($_____), being at the approximate rate of five dollars ($5) per mile per annum, and during each succeeding decade an annual charge at such reasonable rate per mile as the Secretary may fix at the beginning of each such decade.

ART. 6. On demand of the Secretary to install at such places and to maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over the transmission line or lines under permit, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

ART. 7. That the books and records of the permittee, in so far as they contain information concerning the power transmission line or lines under permit, or the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

ART. 8. On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power transmis-

sion line or lines under permit, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

ART. 9. To protect all Government and other telephone, telegraph, and power transmission lines at the crossing of and at all places of proximity to the permittee's transmission line or lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the transmission line or lines in such a manner as not to menace life or property.

ART. 10. To clear and keep clear National Forest lands along the transmission line or lines for such width and in such a manner as the Forest officers may direct.

ART. 11. To dispose to the satisfaction of the forest officers of all brush, refuse, or unusued timber on National Forest lands resulting from the construction, maintenance, and operation of the transmission line or lines under permit.

ART. 12. To do everything reasonably within the power of the permittee, both independently and on request of the forest officers, to prevent and suppress fires on or near the lands occupied.

ART. 13. To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the transmission line or lines under permit.

ART. 14. To idemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the permittee.

ART. 15. To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided,* That nothing in this clause shall be construed to require the permittee to increase permanent works or to install additional generating machinery.

ART. 16. To abide by such reasonable regulation of the service rendered and to be rendered by the permittee in the furnishing or transmitting of power and of rates of payment therefor as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 17. That the line or lines to be constructed, maintained, and operated under the permit shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy.

ART. 18. That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the permittee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the permit applied for, or for the occupancy and use of National Forest lands granted thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, or compensation whatsoever.

In witness whereof, the permittee has executed this stipulation on the_____ day of_____, 191__

_____

[SEAL.] By _____

Attest:

_____,

Secretary.

Form 69.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Uses.
(Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date of application.)

STIPULATIONS, TELEPHONE, TELEGRAPH, POWER-TRANSMISSION LINES.

(Act of Mar. 4, 1911.)

Whereas the _____ right of way applied for by _____ (hereinafter called "the grantee") under the provisions of the act of March 4, 1911 (36 Stat., 1253), is within the _____ National Forest, as shown by certain maps executed by _____ on the _____ day of _____, 19__, and filed in the office of the district forester at _____ State of _____ _____ on _____, 19__; and

Whereas the regulations of the Secretary of Agriculture (hereinafter called "the Secretary"), under the above-named act of Congress, concerning rights of way for telephone, telegraph, and power-transmission lines, provide that whenever such rights of way are located upon National Forests, the grantee shall enter into such stipulations as the Secretary may require; and

Whereas the Secretary requires that the grantee shall enter into the stipulations hereinafter set forth;

Now, therefore, in consideration of the grant of the right of way applied for, the grantee__ do__ hereby stipulate and agree, and do__ bind himself, his heirs, executors, administrators, and assigns, and each of them, jointly and severally (themselves, their heirs, executors, administrators, and assigns, and each of them, jointly and severally) (itself, its successors and assigns), as follows, to wit:

ARTICLE 1. To construct its _____ line or lines on the location shown upon the maps, hereinbefore referred to, which said maps are hereby made a part of this stipulation, and to make no material deviation from said locations until maps showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be approved which will interfere with the occupancy and use of National Forest lands under existing permits or grants under any of the right-of-way acts, or conflict with prior rights under pending applications.

ART. 2. To file within six (6) months after the completion of the _____ _____ line or lines as required in article 3 hereof, in the manner prescribed for original maps of location, map showing the final location of the line or lines as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof.

ART. 3. To complete the construction of the aforesaid line or lines within a period of _____ years from the date of the grant for which application has been made.

ART. 4. That except when prevented by the act of God or by the public enemy or by unavoidable accidents or contingencies, the grantee will, after the beginning of operation, continuously operate (for the furnishing or transmitting of electric power the transmission) (for the transmission of communications the telephone, telegraph) line or lines constructed, maintained, and operated in whole or in part under grant, unless upon a full and satisfactory showing of the reasons therefor, this requirement shall be temporarily waived with the written consent of the Secretary.

ART. 5. To pay to the _____ National Bank of _____ (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States a charge annually in advance during the decade beginning January 1, 19__, of _____ dollars ($_____), being at the approximate rate of five dollars ($5) per mile per annum, and during each succeeding decade an annual charge at such rea-

sonable rate per mile as the Secretary may fix at the beginning of each such decade.

ART. 6. On demand of the Secretary to install at such places and to maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over the transmission line or lines under grant, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such records of measurements for the year ending on December 31 preceding, made by or in the possession of the grantee, as may be required by the Secretary.

ART. 7. That the books and records of the grantee, in so far as they contain information concerning the _____ line or lines under permit, or the business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary or other officer or agent of the United States duly authorized to make such inspection and examination.

ART. 8. On demand of the Secretary to maintain a system of accounting of the entire power business conducted in connection with the power-transmission line or lines under grant, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

ART. 9. To protect all Government and other telephone, telegraph, and power-transmission lines at the crossing of and at all places of proximity to the grantee's _____ line or lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the _____ _____ line or lines in such a manner as not to menace life or property.

ART. 10. To clear and keep clear National Forest lands along the _____ _____ line or lines for such width and in such a manner as the forest officers may direct.

ART. 11. To dispose to the satisfaction of the forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction, maintenance, and operation of the _____ line or lines under grant.

ART. 12. To do everything reasonably within the power of the grantee, both independently and on request of the forest officers, to prevent and suppress fires on or near the lands occupied.

ART. 13. To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the _____ line or lines under grant.

ART. 14. To indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the grantee.

ART. 15. To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the grantee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided,* That nothing in this clause shall be construed to require the grantee to increase permanent works or to install additional generating machinery.

ART. 16. To abide by such reasonable regulation or the service rendered and to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 17. That the _____ line or lines to be constructed, maintained, and operated under grant will not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they

form part of or in any way effect any combination in the form of an unlawful trust; or form the subject of any unlawful contract or conspiracy to limit the output of electric energy; or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State in the generation, sale, or distribution of electric energy, or in the transmission of communications by telephone or telegraph.

ART. 18. That in respect to the regulation by any competent public authority of the service to be rendered by the grantee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the grantee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the grant applied for, or for the occupancy and use of National Forest lands granted thereunder, nor shall such grant or such occupancy and use ever be estimated or considered as property upon which the grantee shall be entitled to earn or receive any return, income, or compensation whatsoever.

ART. 19. That upon breach by the grantee of any of the terms or conditions set forth in this stipulation or in the grant, the United States may enforce appropriate remedy therefor by suit for specific performance, injunction, action for damages, or otherwise; and that if any such breach shall be continued or repeated after thirty (30) days' notice thereof, given to the grantee by the Secretary, the right of way granted, together with all rights thereunder and all rental charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.

(Insert here any additional stipulations proposed in accordance with Reg. L–24.)

In witness whereof, the grantee has executed this stipulation on the _____ day of _____, 19__.

_____

(SEAL.) By _____

Attest:

_____,

Secretary.

PROCEDURE.

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C.

The following procedure and instructions are hereby established and issued to take effect February 24, 1913, governing the enforcement of the regulations of the Secretary of Agriculture relating to power projects and to telephone, telegraph, and power-transmission lines within the National Forests.

HENRY S. GRAVES,
Forester.

Approved February 24, 1913.
JAMES WILSON, *Secretary.*

GENERAL INSTRUCTIONS.

All applications for the occupancy and use of National Forest lands for the purpose of developing power will be filed with the district forester of the district in which the power is to be developed.

Applications for the occupancy and use of public lands outside the National Forests will also be filed with the district forester, but the applicant will be required to file with the local land office of the land district in which such lands are situated such maps and papers and such copies thereof as are required by the regulations of the Department of the Interior. Applications filed in error in the Forester's or supervisor's office will be forwarded to the district forester concerned.

PRELIMINARY APPLICATIONS AND PERMITS.

If an applicant desires to secure priority for his application during a time sufficient for the preparation of the maps, plans, and other data required to be filed with an application for a final power permit, he may do so by filing an application for preliminary permit. (See Reg. L–10 and Form 58.)

The preliminary permit will be granted for a definite limited period, which will vary according to the circumstances of the particular case, and will be only long enough to give a reasonable time for the preparation of a final application as prescribed in the regulations.

In general, such period will not exceed two years. If a longer time than this is applied for and approved in any case, a special report will be made by the district engineer showing the necessity for the longer period, which report will be submitted with the other papers in the case.

Whenever the time prescribed by the State statutes within which construction must begin in order to maintain water rights is insufficient to enable the applicant to prepare a final application before beginning construction, a clause may be inserted in the preliminary permit allowing construction to proceed to an extent sufficient to permit compliance with the State law. Only in exceptional cases will a clause be inserted allowing construction in advance of final application and permit for any other reason than to permit compliance with the State law, and when inserted for any other reason the necessity for it must be fully explained in the recommendation of the district forester.

No extension will be granted except upon the written approval of the Secretary of Agriculture after a satisfactory showing by the permittee of the reasons for such extension, and after a report has been submitted by the district forester.

To prevent speculative holding of sites under preliminary permits and to secure the presentation of the final application within the time named in the preliminary permit, an annual charge will be made during the term of the preliminary permit. The charge will be calculated on the basis of the estimated rental capacity of the power site to be occupied and at the rates prescribed in Regulation L–8. If the final application is filed in accordance with the terms of the preliminary permit, and if construction is completed and operation is begun in accordance with the terms of the final permit, the payments made under the preliminary permit will be credited upon payments due or to become due after the beginning of operation under the final permit.

The lines shown on the maps accompanying the final application will not be required to follow without change the lines as shown on the map accompanying the preliminary application, and the position and arrangement of conduits and power houses as shown upon the map accompanying the preliminary application may be changed, if the detailed surveys preceding the final application show such change to be desirable; but priority from the date of filing of the preliminary application will be allowed for only so much of the projects shown in the application for final power permit as is within the approximate limits of diversion and discharge as shown in the application for the preliminary power permit. (Reg. L–3.)

Upon the failure of the permittee to comply with the terms of a preliminary permit the district forester will write him a letter calling his attention to the violation of the terms and notify him that by reason thereof the permit expired on a given date and the priority acquired thereby was lost. Copies of this letter of notification should be sent to the supervisor and to the Forester. If a preliminary permit is thus terminated, no other application for a permit either preliminary or final covering the same or adjacent lands will be received from the same applicant for a period of one year subsequent to the termination of the preliminary permit.

The date upon which priority of application is established shall be the date of the filing in the office of the district forester of the last map or paper necessary to constitute a complete application as required by Regulation L–10. The date and hour of the receipt of a preliminary application will be inserted in the space provided on the form (Form 58a) and will be certified by the signature of the district forester. Upon the receipt of preliminary appli-

cations, with their accompanying maps and papers, the district engineer will examine them in the order of their receipt, as certified by the district forester, with a view of determining whether the application is complete as required by the regulations. If complete, the district engineer will certify the fact in the space provided on the form. If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application and its accompanying papers, with a detailed statement of the incompleteness or insufficiency. A carbon copy of this letter certified by the signature of the district engineer will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received. Upon the receipt of the amended papers the district engineer will examine them, and if found complete as required by the regulation he will certify the fact in the space provided on the form.

After certifying that the application is complete, as prescribed by the regulation, the district engineer will examine the maps and estimates, using such additional data as he may be able to secure, will determine the approximate rental capacity of the power site, and will submit a report and recommendations to the district forester. A field examination by the district engineer will be made only when it is necessary in order to secure sufficient information on which to base the report and recommendations.

Upon receiving the district engineer's report, the district forester will prepare five copies of permit on Form 59. If the application is approved by the district forester and the district engineer, they will initial the permit. The district forester will send the chief engineer a copy of the complete application, the original map on tracing linen, one print copy, one copy of the district engineer's report, the original, and one copy of the permit, and the correspondence file. The district forester will also send the supervisor a print copy of the map.

The chief engineer will examine all the papers received from the district forester and, if he approves the application, the recommendations of the district forester and the district engineer's report, he will initial the original permit and return it with the original map on tracing linen and the correspondence file to the district forester. If he does not approve either the application, or the report, or the recommendations, he will return the original permit without initial and with a letter to the district forester explaining in detail his reasons for not approving.

Upon the return of the permit from the chief engineer, if approved, the district forester will, except as hereinafter provided, prepare a letter of transmittal (Form 861) in triplicate, stating the amount of the charge, and will accompany it by a letter informing the applicant that priority will be lost unless payment is received within 60 days of the date of the letter. The original will be sent to the applicant, and upon receipt of notice from the district fiscal agent that deposit has been made the district forester will forward to the Forester on print copy of the map, one copy of the report of the district engineer, the original, and one copy of the permit, and the correspondence file.

When the original permit has been signed by the Secretary, the Forester will return it, together with the correspondence file, to the district forester.

Before transmitting the original permit to the permittee the district forester will inform the chief engineer by letter of the dates of signing and the signature on the permit. He will also send the supervisor a copy of the permit, a copy of the complete application (except the papers required under Reg. L–9), a copy of the report of the district engineer, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the receipt of the first payment.

When the application includes, in addition to National Forest lands, lands under the jurisdiction of the Interior Department, the district forester shall, upon the completion of the application, immediately inform the local land office of such completion and of the date of priority and shall send a carbon copy of such letter to the applicant. The date so notified will be taken as the date of priority before both the Department of Agriculture and the Department of the Interior.

In preparing reports upon applications including both National Forest lands and Interior Department lands the district engineer will calculate the total capacity of the power site and the rental capacity of the National Forest lands, leaving to the Geological Survey the computation of charges for the Interior Department lands. The district forester will then submit the case to the chief engineer, including, in addition to the papers usually required for both the chief engineer and the Forester, one copy each of the permit and of the district engineer's report.

The chief engineer will examine the papers received from the district forester, and, if he approves the application, report, and recommendations, will initial the original of the permit, and after retaining the papers required for his own file will submit the remainder directly to the Forester.

Upon the receipt of the papers the Forester will forward to the Geological Survey the extra copy of the permit and of the district engineer's report, together with a statement of the recommendations which the Forest Service proposes to make. If the Geological Survey approves the calculations of the district engineer and the terms of the permit, as applied to the Interior Department lands involved, the Forester will so inform the district forester, who will thereupon prepare and submit the letter of transmittal (Form 861) to the applicant for the advance charge for the use of National Forest lands only. Thereafter the case will be handled by the Forest Service as if only National Forest lands were involved.

If the Geological Survey should not approve the calculations and recommendations if applied to the Interior Department lands, and it should seem advisable to make alterations or corrections in either the permit or the report as applied to the National Forest lands, the Forester will return the papers through the office of the chief engineer to the district forester, with a statement of the corrections or alterations desired. When such changes have been made the district forester will prepare the letter of transmittal and handle the case as before.

FINAL APPLICATIONS AND PERMITS.

If, in accordance with the terms of a preliminary permit, a final application is filed in the form prescribed by Reg. L–11, such final application shall, with reference to priority, relate back and be effective as of the date of the preliminary application. The date upon which priority of application is either maintained in accordance with a preliminary permit or established by final application in the absence of a preliminary permit shall be the date of the filing in the office of the district forester of the last map or paper necessary to constitute a complete application as prescribed in the regulation. The date and hour of the receipt of an application will be inserted in the space provided on Form 58a, and will be certified by the signature of the district forester. Applications will be examined by the district engineer in the order of their receipt as certified by the district forester. The application and its accompanying papers, especially the plans of project works and the estimates and data, will be carefully examined with a view to determine whether they are in complete and proper form and contain all the information required by the regulation. If complete, the district engineer will certify to the fact in the space provided on the form.

If any of the papers required by the regulation are incomplete or insufficient or if there have been any omissions the district engineer will prepare for the signature of the district forester a letter to the applicant explaining the incompleteness or insufficiency or omissions, and returning for completion or correction any papers which are not in proper form. A carbon copy of this letter certified by the signature of the district engineer will be attached to and filed with the papers in the case. Upon the receipt of the amended or additional papers the date and hour of such receipt will be certified by the district forester in the same manner as when they were originally received. They will be reexamined by the district engineer and if found complete, as required by the regulation, he will certify the fact in the space provided on the form.

Upon the receipt of a final application for the use of an area which is in whole or in part included in an existing final permit previously issued, the district forester will return the application to the applicant and will inform him fully of the existing permit and of the extent to which his application is in conflict therewith. The applicant may then amend his application to avoid such conflict or may renew his application should the priority of application be lost by the prior applicant. If the final application is an original filing or is filed in accordance with the terms of a subordinate preliminary permit and such filing is made before the filing of final application by a prior preliminary permittee the district forester will retain the application, but will suspend action thereon until after the filing of final application by the prior preliminary permittee or until after the termination of the preliminary permit. When the prior permittee has filed final application, if it is found that the application first in time is in conflict with the application first in right the district forester will return the former to the applicant and will inform him fully of the extent to which his application is in conflict with that of the prior permittee. The first-named applicant may then amend his application to avoid such conflict or may renew his appli-

cation should the priority of application be lost by the other applicant. (See Reg. L–3.)

When the district engineer has certified that the application is complete as required by the regulation the district forester, after making such additional prints of maps and plans as may be necessary, will forward to the forest supervisor two prints of the maps of location, a copy of the notes of survey, and such other papers as may be necessary. If the application was not accompanied by a certificate from the supervising engineer of the Reclamation Service that the occupancy and use of the lands applied for will not interfere with any project of the Reclamation Service, the district forester will forward a print of the general map of location (see Reg. L–11, (G), (5)) to the supervising engineer concerned and request him to state whether the occupancy of the land for power purposes will interfere with any project of the Reclamation Service.

Upon the receipt of the maps and other papers the supervisor will forward a print of the maps of location to the ranger, will cause an immediate examination to be made for the purpose of estimating the amount of timber to be cut or destroyed, and will report to the district forester on Form 578b. Reports on Form 964 will be required in power cases only where no examination and report by a district engineer will be made.

Upon the receipt of a complete application the district engineer will make such field examination of the project as may be necessary and will collect all information and data bearing upon the case that may be available. If practicable, this examination will be made at the same time as the supervisor's. Only in exceptional instances when the district engineer is thoroughly familiar with the project will the field examination be omitted. In this examination the district engineer will determine whether in his judgment the project as applied for will make a reasonably full development of the power available at the sites covered by the application.

After the completion of the examination and the collection of the data the district engineer will submit a report to the district forester. The report will describe the project in detail, with its relation to other projects of the same or allied or competing companies; state whether the project comprehends a full development of the available power; describe the market for the power and the general market conditions in the district, so far as such information is available, and the relation of the power development to other interests, particularly irrigation. The report should present detailed estimates of the amount of power that will probably be developed and the complete data upon which such estimates are based. The report should designate the several items necessary for filling the blanks of the stipulation and permit, a recommendation of the total power capacity to be inserted in the stipulation, and such other recommendations as may seem desirable. The report should be complete with respect to the history of the case and its connection with other cases, and to all pertinent, general, and special information, so that a full understanding of the case may be had and action taken without the necessity of referring to other papers except for purposes of verification. The report should also contain such sketch maps, topographic quadrangles, photographs, etc., as will be of assistance in giving a full understanding of the case. All the data filed with the application and all other

data collected which have a bearing upon the case and upon the computation of capacities should be collated in tabular form in the report. This instruction should be rigidly adhered to, since it will be extremely important at the 10-year revision period to have in their original form the exact and complete data upon which the original calculations are based. If the chief engineer in reviewing the report of the district engineer makes alterations or corrections, or reaches different conclusions with respect to power capacity or otherwise, the report of the district engineer should be corrected accordingly before the case is submitted to the Forester; but if the district engineer, upon a reexamination of the case, disagrees with the changes made by the chief engineer, he may so state in his report, giving the reasons therefor, and he will not, to such extent, be considered responsible for the report.

Under Regulation L–7 the term "construction of the works" excludes all such preliminary work as surveys, road and trail building, clearing of land, etc. It will therefore be necessary, in inserting the lengths of periods in article 4 of the stipulation, to allow a time before construction must begin reasonably sufficient for the completion of all necessary preliminary work. It will be advisable, in general, to confer with the applicant before fixing the time limits, with the view of agreeing upon such limits as will be satisfactory to the applicant while at the same time properly protecting the public interests.

Articles 4 and 5 of the power stipulation have been drawn for the purpose of allowing permittees to make progressive developments of two or more power projects upon the same stream or watershed if they so desire. Each division of the works as taken in these clauses should in general constitute a complete operating unit or power project. But where, for example, it may be the applicant's intention to construct several storage reservoirs not directly connected with the water conduits, each reservoir may be, and in general should be, taken as a distinct divison of the works. Water conduits and the diverting dams and power houses connected therewith should never be separated.

Particular care should be exercised in the determination of the total capacity of the power site. All the available data should be secured, and where storage is to be used some graphical method, as that of Rippl or Hill, should be employed. (See Mead's Water Power Engineering.) The district engineer should review carefully the estimates presented by the applicant and compare the same with his own independent estimates.

From the fact that probably in many instances the data for the original calculations will be meager, provision is made in Regulation L–8 for a redetermination of the power capacity by 10-year intervals to admit of utilizing more complete data and to allow for possible change of conditions.

Upon receiving the district engineer's report the district forester will prepare five copies of the stipulation on Form 61 and five copies of the permit on Form 62. If the application is approved by the district engineer and the district forester, they will initial the file copies of the stipulation and the permit. The district forester will send the chief engineer a copy of the complete application, one copy of the district engineer's report, the original maps and plans on tracing

linen, with one print copy of each, the correspondence file, the letter from the supervising engineer of the Reclamation Service and the original, and one copy of the stipulation and of the permit.

If, because of field conditions or other reasons, the supervisor has been unable to make his report on timber (Form 578b) by the time the other papers are ready for transmittal, the case should not be delayed on that account but be forwarded immediately, and the Form 578b submitted later.

The chief engineer will examine the papers received from the district forester, together with the matter submitted in the application. He will return to the district forester the original maps and plans on tracing linen, the correspondence file, the letter of the supervising engineer of the Reclamation Service, and the original copies of the stipulation and the permit. If he concurs in the recommendations of the district forester and the district engineer, he will initial the original copies of the stipulation and the permit. If he does not concur, he will return them without his initial and with a letter to the district forester explaining his reasons for not concurring.

The district forester will send the applicant two copies of the stipulation, and, when necessary, a form (319) for corporate officer's authority, with the request that one copy of the stipulation be duly executed and returned to him. He will also send with the stipulation a statement on Form 861 of the amount of the first year's rental charge and will by letter inform the applicant that any priority established under his application will be lost if the rental charges are not paid and the stipulation is not executed and returned within 90 days from the date of the letter accompanying it, unless such time is extended by the written authority of the Secretary of Agriculture.

After the duly executed stipulation has been returned and has been initialed by the assistant to the solicitor, and after notice of payment is received the district forester will submit to the Forester one copy of the complete application, one copy of the report of the district engineer, the original and one copy of the stipulation, the original and one copy of the permit, the correspondence file, and the letter of the supervising engineer of the United States Reclamation Service.

If any material changes are made in the stipulation and permit after they have been returned to the district forester by the chief enginer, all papers in the case will be resubmitted to the chief engineer before being finally submitted by the district forester to the Forester.

Upon receipt of the complete papers in the case the Forester will submit them with his recommendations to the Secretary of Agriculture. When the permit has been signed by the Secretary the Forester will retain one copy of the permit, one copy of the stipulation, the district engineer's report, and one print of the general map of location (see Reg. L–11 (G), (5)) and will return all the other papers in the case, including the signed original permit, to the district forester.

Upon transmitting the original permit to the permittee the district forester will inform the chief engineer by letter of the dates of signing and the signatures on the stipulation and permit. He will also send the supervisor a copy of the complete application (except the papers required by Regulation L–9, and except the print map of location and the copy of the field notes which have been previ-

ously sent), a copy of the report of the district engineer, one copy of the stipulation, one copy of the permit, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the payments made.

If the final application involves both National Forest and Interior Department lands, the case will be handled in a manner similar to that outlined for preliminary applications (see p. 53).

All recommendations by the district forester for cancellation of permit, either in whole or in part, and all recommendations for approval or disapproval of applications for extension of time, either for beginning or completing construction, shall be accompanied by a report setting forth in detail the reasons for such recommendations, and shall be submitted to the Forester through the chief engineer. Whenever engineering difficulties are involved the district engineer shall make such examination as is necessary, and shall prepare a report to accompany the recommendations of the district forester.

On November 15 of each year the district forester will prepare and send by registered mail to each permittee a statement of account (Form 64). This statement will show the amount of the charge for the succeeding calendar year, and the credit, if any, on account of previous payments. If a balance is due from the permittee the statement will be accompanied by a letter of transmittal (Form 861). The district forester will retain two carbons of the statements and the Form 861, and will file them, together with the registry receipt, with the other papers in the case. Upon the receipt from the district fiscal agent of the notice of payment the date of such payment should be indorsed upon the file copies of the Form 861. The original Form 861, with the customary indorsement thereon of payment, will be sent to the permittee, and one copy of the statement and of the Form 861 will be sent to the supervisor for his files.

If the works are completed and operation begun at or prior to the time specified in the stipulation, the minimum rate of 10 cents per horsepower per annum will apply from such date proportionately to the fractional part of the calendar year succeeding such date, and also to the following full calendar year, and the rate will be increased each year by 10 cents per horsepower until the rate of $1 is reached, and will then remain at that rate until the expiration of the permit. All payments made previous to the beginning of operation will be applied on payments due or to become due at and after that time.

In order that the district forester may know whether the terms of the stipulation and permit are being complied with, the supervisor should keep himself fully informed of the progress of the work. He shall immediately upon the date specified in the stipulation upon which construction should begin make an examination and report to the district forester whether the construction has begun. The supervisor should ascertain from time to time thereafter whether the works are being constructed with due diligence and in substantial agreement with the maps and plans, and in case of doubt should call for an examination by the district engineer. He shall also immediately on the date specified in the stipulation upon which operation should begin make an examination and report to the district forester whether such operation has begun.

In order that the district forester may be informed of the power situation in the whole district the supervisors will forward from time to time whatever information they are able to collect, formally or informally, concerning costs of generation of power, the returns from its sale, the interrelations of the various companies, transfers of rights, water locations, etc. The date and source of all such information should be given with the supervisor's opinion of its reliability.

SEMICOMMERCIAL POWER PROJECTS.

Power projects of a semicommercial nature will be regarded as commercial except in so far as a satisfactory showing of partial noncommercial use may be made to the district forester by the permittee.

The application, procedure, and rental charges will be the same as for commercial power projects except that the charge will be based upon the rental capacity of the power site after a proper credit has been given for the amount of power used for noncommercial purposes. (See Reg. L–8.) The credit so given will be such proportion of the preceding year's schedule charge (before any credits have been applied thereto) as the amount of power used for noncommercial purposes during the preceding year bears to the total amount of power developed during such year. The amount of the credit will be determined from statements submitted to the district forester by the permittee, or, if necessary, from an examination of the permittee's books (see Reg. L–14 (G), (H)), or from an investigation by the district engineer.

The data for determining the credit will be obtained each year by November 15, in order that the district forester may be prepared to send to the permittee at that time a statement of account, accompanied by a letter of transmittal (Form 861), if a balance is due from the permittee. In arriving at the deduction to be made for any year, data shall be used for the 12 months next preceding the date of determination.

APPLICATION AND PERMIT FOR POWER PROJECTS OF 100 HORSEPOWER TOTAL CAPACITY OR LESS.

Permits for the occupancy and use of power sites having a total capacity of 100 horsepower or less will be issued by the district forester. (Reg. L–1.) No charge will be made for such permits.

Applications in writing will be filed with the district forester and must conform to the requirements of Regulation L–12.

When the application is received the district forester will indorse thereon the date of its receipt. The application will be examined by the district engineer to determine whether it conforms to the requirements of the regulation and whether the total capacity of the site is 100 horsepower or less. If the capacity is found to be in excess of 100 horsepower the application will be returned and the applicant informed that an application in the form prescribed by Regulation L–10 or L–11 will be required. If the application is complete and the total capacity is 100 horsepower or less the district forester will send the supervisor two print maps of location and a copy of the notes of survey and such other papers as may be

necessary. If the application is not accompanied by a certificate from the supervising engineer of the Reclamation Service that the proposed works will not interfere with any project of the Reclamation Service the district forester will secure the certificate before issuing the permit.

The supervisor will cause such field examination to be made as may be necessary and will submit a special-use report (Form 964), accompanied when necessary by a report on timber to be cut or destroyed (Form 578b), to the district forester.

A field examination by the district engineer will be made only when necessary in the judgment of the supervisor or the district forester.

When the application is approved the district forester will prepare a permit on Form 832, in which will be inserted: Such items of Regulation L–14 as are suited to the conditions of the case.

The district forester will prepare an original and four copies of the permit. He will send the original to the permittee, one copy to the supervisor, one to the Forester, one to the chief engineer, and will retain one for his own files. The district forester will also send the Forester and the chief engineer a print copy of the map of location.

Whenever applications involve both National Forest and Interior Department lands, the district forester will handle the application in a manner similar to that prescribed for preliminary permit when involving both National Forest and Interior Department lands. (See p. 53.)

TRANSMISSION LINE APPLICATIONS AND PERMITS, ACT OF FEBRUARY 15, 1901 (31 STAT., 790).

All permits for transmission lines, except such as are a part of a general power project covered by a power permit, or are brought under such permit by an amendment thereof and for which application is made under the act of February 15, 1901 (31 Stat., 790), will be issued by the Forester.

When a transmission line is to be used in connection with a power project already under permit and the application therefor is filed subsequently to the issuance of the general power permit, a separate permit will not be issued for the transmission line, but its construction will be authorized by an amendment of the general power permit, after the execution by the applicant of an amendment to the original stipulation. Such amendatory permits, as well as permits for transmission lines for temporary construction purposes, and permits to municipalities for municipal purposes will be issued without charge. In all other cases, unless otherwise ordered by the Secretary, a charge will be made of $5 per annum for each mile or fraction thereof of National Forest land crossed by such lines.

Applications for such transmission line permits will be filed with the district forester and will, in addition to the papers required under Regulation L–9, consist of tracings and field notes of survey, both in the form and with affidavits and certificates required for such lines when a part of a final power application. (See Reg. L–11.)

On the receipt of applications for transmission line permits, the district engineer will examine them in the order of their receipt

as certified by the district forester, with a view of determining whether the applications are complete as required by the regulations. If complete, the district engineer will certify to the fact in the space provided on the form (Form 58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of incompleteness or insufficiency. A carbon copy of this letter, certified by the initial of the district engineer, will be attached to and filed with the papers in the case.

Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received.

No application for a preliminary permit for a power transmission line, except in connection with a general power project to be covered by a power permit, will be accepted, but only an application for a final permit as prescribed in the regulations. (See Reg. L–11.)

Upon the completion of the application the district forester will forward to the supervisor a copy of the application, together with two prints of the maps. Upon the receipt of the maps and other papers the supervisor will forward a print of the maps to the ranger, will cause an immediate examination to be made for the purpose of estimating the amount of timber to be cut or destroyed, and will report to the district forester on Forms 964 and 578b. If the report on Form 578b can not be made immediately, the report on Form 964 should be submitted at once, in order that the issuance of the permit may not be delayed by the inability of the supervisor or the ranger to make an immediate examination and report upon the amount of timber to be cut or destroyed.

Upon receiving the supervisor's report the district forester will prepare five copies of the permit on Form 63. The file copy will be initialed by the district engineer and the district forester. The district forester will then send the applicant a statement on Form 861 of the amount of the first year's rental charge, and will by letter inform him that any priority established under his application will be lost if the rental charges are not paid within 90 days from the date of the letter accompanying the statement, unless such time is extended by the written authority of the Secretary of Agriculture.

Upon the receipt of notification from the district fiscal agent that the payment has been made the district forester will send the original of the Form 861 to the applicant and will send to the chief engineer two copies of the complete application, two prints of the map of location, three copies of the permit, including the original and file copy and the correspondence file.

The chief engineer, if he approves the application and the form of permit, will initial the file copy, and after retaining one copy of the application and one print of the maps of location for his files will forward the remaining papers to the Forester.

Upon the receipt of the papers the Forester will, if he approves the application and the form of permit, sign the original. The original and file copy of the permit and all the other papers, except a print of the maps of location, will then be returned to the district forester.

Upon the receipt of the papers from the Forester the district forester will forward to the permittee the original permit, will inform

the chief engineer by letter of the fact and date of the signature of the permit, and will send one copy of the permit to the supervisor, together with a copy of the Form 861.

If the application involves both National Forest and Interior Department lands, the case will be handled in a manner similar to that outlined for preliminary applications. (See p. 53.)

TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES, ACT OF MARCH 4, 1911 (36 STAT., 1253).

Applications for telephone, telegraph, and power-transmission lines, under the act of March 4, 1911, will be filed with the district forester and will conform to the requirements of applications for power-transmission lines under the act of February 15, 1901, as set forth in Reg. L–9 and Reg. L–11, except that two original tracings will be required.

On the receipt of applications for right of way grants the district engineer will examine them in the order of their receipt as certified by the district forester, with a view of determining whether the applications are complete as required by the regulations. If complete, the district engineer will certify to the fact in the space provided on the form (Form 58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of the incompleteness or insufficiency. A carbon copy of this letter, certified by the initial of the district engineer, will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received.

Upon the completion of the application the district forester will forward to the supervisor a copy of the application, together with two prints of the maps. Upon the receipt of the maps and other papers the supervisor will forward a print of the maps to the ranger.

Upon receiving the supervisor's report the district forester will prepare five copies of the stipulation on Form 69. The file copy will be initialed by the district engineer and the district forester. If the application is for a power-transmission line, the district forester will send to the applicant with the stipulation a statement on Form 861 of the amount of the first year's rental charge, and will by letter inform him that any priority established under his application will be lost if the stipulation is not executed and returned and the rental charges paid within 90 days from the date of the letter accompanying the statement, unless such time is extended by the written authority of the Secretary of Agriculture.

If the application is for a telephone or telegraph line, the district forester will, in preparing the stipulation, add such special conditions as may be necessary in order to secure such facilities for forest officers or such use of the lines and poles of the applicant as may be necessary or convenient in the conduct of National Forest business or as may aid in the protection of the National Forests. In the letter transmitting the stipulations for the signature of the applicant the district forester shall inform him that any priority established under his application will be lost if the stipulation is not executed and returned

within 90 days from the date of the letter. No charge will be made for rights of way for telephone or telegraph lines.

Upon the receipt of the executed stipulation, and if the application is for a power transmission line, the receipt of notification from the district fiscal agent that payment has been made, the district forester will send the original of Form 861 to the applicant and will send to the chief engineer two copies of the complete application, both original tracings, two prints of the tracings, and three copies of the stipulation (including the file copy), and the correspondence file.

The chief engineer, if he approves the application and form of stipulation, will initial the file copy, and after retaining one copy of the application, one copy of the stipulation, and one print of the map of location for his files, will forward the remaining papers to the Forester.

Upon the receipt of the papers the Forester will, if he approves the application and the form of stipulation, forward the same to the Secretary for his signature. The indorsement by the Secretary upon the original tracings will constitute the grant of the right of way applied for.

Upon the return of the papers from the Forester, the district forester will forward to the grantee one original tracing and will retain the other for his own files. He will also inform the chief engineer by letter of the date and the signature constituting the approval of the Secretary.

If the application involves both National Forest and Interior Department lands, the case will be handled in a manner similar to that outlined for preliminary applications for power transmission lines under the act of February 15, 1901. (See p. 53.)

COPIES OF MAPS FOR GENERAL LAND OFFICE.

After the issuance of any permit for the occupancy and use for power purposes of National Forest lands only, and after the approval of any grant for rights of way across such lands under the act of March 4, 1911, the district forester will send to the Forester one print copy of the general map of location for the Commissioner of the General Land Office. The map will be accompanied by a letter prepared for the signature of the Forester. The letter will state the date on which the permit was issued or the grant approved, the duration of the permit or the grant, the character of the use, the name and address of the applicant, and the date of priority. The commissioner makes entry of such permits and grants on the tract books of the Land Office. After such entry the final disposal of the tract traversed by the right of way will not be considered a revocation of the permit or of the grant, but such final disposal will be subject to such permit or grant, unless or until the permit or the grant shall have been specifically revoked, as provided for in the act of February 15, 1901 (31 Stat., 790), or in the act of March 4, 1911 (36 Stat., 1253), respectively. (See letter of the Secretary to the Commissioner of the General Land Office, Aug. 23, 1912, 41 L. D.)

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO THE GENERAL ADMINISTRATION OF THE FOREST SERVICE, AND THE PROTECTION AND USE OF THE NATIONAL FORESTS.

ISSUED BY THE
SECRETARY OF AGRICULTURE,
TO TAKE EFFECT
AUGUST 12, 1912.

GENERAL ADMINISTRATION AND PROTECTION.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1912.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished [by $500 fine or 12 months' imprisonment, or both] as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 141—INSTRUCTIONS.

OCTOBER 28, 1912.

General Administration and Protection.—On page 81 the paragraph:

"U. S. F. S." Stock.

The contract price for the current year should always be stated on the voucher. In ordering, the statement should be made that the wire is to be shipped from the stock sealed and stamped "U. S. F. S.," and shipments received without this seal and stamp should not be accepted.

is hereby superseded by the following, the subheading being omitted entirely:

The contract price for the current year should always be stated on the voucher. Shipments of wire may be received without the seal and stamp formerly required on shipments of this material.

A. F. POTTER,
Acting Forester.

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UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 151.—INSTRUCTIONS.

DECEMBER 9, 1912.

General Administration and Protection, Property.—Since it is necessary, in conformity with instructions from the Secretary of Agriculture, to discontinue the use of Forest Service Form A (Voucher for Purchases and Services other than personal) and use Departmental Form 5A in lieu thereof, all reference to Forms A throughout the various National Forest Manuals should be considered on and after January 1, 1913, as applying to Form 5A.

That paragraph on page 83 headed "Property Procured by Purchase" is hereby revoked and the following paragraph substituted: PROPERTY PROCURED BY PURCHASE: Forest officers, except purchasing agents, will prepare two carbons, Form 939C (yellow) when making up the Form 5A.

The Forest officer will forward the Form 5A and the attached "Memorandum Copy" to the District Fiscal Agent, forward one signed copy of the Form 939C to the Property Auditor, and retain the second copy as a reminder.

When payment has been made, the Fiscal Agent will assure himself by audit that the Memorandum copy agrees with the original Form 5A, place upon the Memorandum Copy the date of payment and his voucher number, and forward the Memorandum Copy to the Property Auditor.

The Property Auditor will abstract the non-expendable property on Forms 939 in duplicate and note on the forms the date of payment and the voucher number reported on the Memorandum Copy of Form 5A. He will forward the original of the Forms 939 to the member accountable for signature. Upon the return of the signed original, he will give both copies a voucher number, make the proper charges, stamp on the duplicate the statement that the property has been charged, and forward the duplicate, together with the Memorandum Copy to the member accountable. Where the Forest Clerk is Property Custodian, the duplicate Form 939 will be forwarded to the Property Custodian, and the Memorandum Copy to the Forest Supervisor. The Property Auditor will retain the signed Form 939C, to which has been transferred the date of payment and the voucher number.

When making up reimbursement accounts (Form 4), Forest officers will prepare three copies of Form 939 covering all expendable or non-expendable articles. The Form 939 must be signed by the member accountable. The original will be forwarded with the Form 4 to the District Fiscal Agent, the duplicate to the Property Auditor, and the triplicate will be retained. Reimbursement vouchers (Form 4) containing property will not be paid unless accompanied by Form 939.

(Signed) H. S. GRAVES,
Forester

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U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in me by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, JAMES WILSON, Secretary of Agriculture, do make and publish the following regulations relating to the general administration of the Forest Service and the protection of the National Forests, the same to supersede all previous regulations for like purposes and to be in force and effect from the date of this order, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 12th day of August, 1912.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

THE NATIONAL FOREST MANUAL.

REGULATIONS.

Age Limit of Applicants for Ranger.

Reg. G. A.–1. Only citizens of the United States and those who have declared their intention to become such, and who are between the ages of 21 and 40, are eligible for ranger examinations. Selection for appointment will be made when practicable from qualified citizens of the State in which the National Forests, respectively, are situated. These qualifications will not be waived under any circumstances.

Maximum Rates for Meals and Lodging.

Reg. G. A.–2. The Forester may make and determine maximum rates within the amount allowable under the Fiscal Regulations for travel expenses of employees of the Forest Service, such rates to be equitable and according to the standard of living in the various localities in which they are to become operative. Maximum rates may be established in the following classes: For meals and lodging of employees on detail to Washington or the district offices; meals and lodging at other points visited by Forest officers or employees; meals at ranger stations. This authority may be delegated, if necessary, to the District Foresters.

Forage.

Reg. G. A.–3. Forest officers or employees regularly assigned to field duty may be required to own and equip the saddle and other animals necessary to carry on their official duties. Feed for animals so used, owned by Forest officers or employees, will be furnished in whole or in part as may be deemed equitable by the Forester, either by purchase or by growing such feed on National Forest lands. When a motor-driven vehicle, such as a motor cycle or an automobile, is used by a Forest officer in lieu of saddle horses or other animals in the performance of his official duties, gasoline, oil, and carbide for motor cycles or automobiles so used will be furnished in whole or in part, as may be deemed equitable by the Forester.

Appeals from Disciplinary Action.

Reg. G. A.–4. The officer or employee of the Forest Service affected by any disciplinary measure administered may take an appeal to the District Forester and from the District Forester to the Forester, and from the Forester to the Secretary of Agriculture, but no appeal will be considered by the Secretary unless the Forester has affirmed the decision of the District Forester adverse to the appellant. In no case will an attorney be recognized in personnel matters.

Accessibility of Public Records.

Reg. G. A.–5. In general, the papers on file in the offices of the Forest Service relating to the transaction of National Forest business are public records, and as such are open to the public. Information should not be refused to persons whose interest is legitimate. Recommendations on matters pending should not be made public. Equal opportunities for information must be given to all persons having an interest in any transaction. In conformity with the practice, and at the request of the Department of the Interior, all reports on public-land claims will be treated as confidential, and may be examined only by duly authorized officers and employees of the Government. Reports on June 11 applications and personnel reports are confidential, and may be examined only by duly authorized officers of the Government. Under no circumstances will inquirers be permitted to take papers from the files outside of the building.

Cooperation in Enforcing State Fire Laws.

Reg. G. A.–6. All Forest officers will cooperate with State officials, so far as practicable, to enforce State laws for the prevention and extinguishment of forest fires. When authorized to do so by the proper State officers, they will, without additional pay, act as fire wardens with full power to enforce the local laws.

Fire Protection Cooperative Agreements.

Reg. G. A.–7. The Forest Service shall, whenever possible, and is hereby authorized to, enter into such agreements with private owners of timber, with railroads, and with other industrial concerns operating in or near the National Forests as will result in mutual benefit in the prevention and suppression of forest fires; provided, that the service required of each party by such agreements shall be in proportion to the benefits conferred.

Protection of Water Supplies. Cooperative Agreements.

Reg. G. A.–8. For the purpose of protecting water supplies of towns, cities, and irrigation districts, the use of National Forest lands will be restricted by the Secretary of Agriculture, with such conditions as to reservations from other uses of the land and to assistance to be given the Forest Service by the town or city in establishing special protective measures as may be deemed necessary or advisable. Such use will be granted under formal agreement between the Secretary of Agriculture and the properly authorized official of the town, city, or irrigation district.

Sale of Condemned Property.

Reg. G. A.–9. The Forester is authorized to sell at field stations of the Forest Service, after public notice, by advertisement or otherwise, such articles of equipment as are worn out or damaged beyond repair, or which are of no further use in the Service, but which have a sale value estimated at $500 or less. The Forester may delegate the authority to district officers. When the estimated sale value is more than $500, special authority must be obtained from the Secretary of Agriculture.

PROCEDURE AND INSTRUCTIONS.

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C.

The following procedure and instructions are hereby established to take effect August 12. 1912, governing the enforcement of the regulations of the Secretary of Agriculture, relating to the general administration of the Forest Service and the protection of the National Forests.

H. S. GRAVES, *Forester.*

Approved August 12, 1912.
JAMES WILSON, *Secretary.*

THE NATIONAL FORESTS.

THEIR PURPOSE.

National Forests have for their objects to insure a perpetual supply of timber, to preserve the forest cover which regulates the flow of streams, and to provide for the use of all resources which the Forests contain, in the ways which will make them of largest service. Largest service means greatest good to the greatest number in the long run. It means conservation through use, with full recognition of all existing individual rights and with recognition also that beneficial use must be use by individuals; but without the sacrifice of a greater total of public benefit to a less. In other words, the Forests are to be regarded as public resources, to be held, protected, and developed by the Government for the benefit of the people.

The injury which results from the destruction of forests by fire and ill-regulated use is a matter of history in older countries, and has long been the cause of anxiety in the United States. A cheap and plentiful supply of timber is important if not necessary to the welfare of communities; a forest cover is the most effective means of maintaining a regular streamflow for irrigation and other purposes; and the future of the western live-stock industry depends upon the permanence of the range. Exhaustion of a local timber supply means the cessation of lumbering and the business activities dependent on it, and often leaves desolation, impoverishment, and industrial depression; there are vast public and private losses through unnecessary forest fires, while a rapidly growing population creates an increasing demand for lumber. With forest destruction the flow of streams becomes irregular just when development of the country makes them indispensable to transportation, manufacture, or irrigation. Without regulation there is serious decrease in the carrying capacity of the range. In short, forest protection is vital to the public welfare.

HISTORY OF THEIR ESTABLISHMENT.

As early as 1799, and again in 1817, Congress provided for the purchase of timber lands to supply the needs of the Navy. Other acts from time to time made similar provisions for setting apart forest land for specific purposes, but the first attempt to secure comprehensive administration of the forests on the public domain was in 1871, when a bill was introduced in the Forty-second Congress, which, however, failed of passage.

In 1876, $2,000 was appropriated to employ a competent man to investigate timber conditions in the United States, and on June 30, 1886, an act was approved creating a Division of Forestry in the Department of Agriculture. On July 1, 1901, this Division became the Bureau of Forestry, which, in turn, under the act of February 1, 1905, became the Forest Service.

With the increasing realization that the Nation's forest resources must be protected, and with the immense growth of irrigation interests in the West, the necessity for retaining permanent Federal control over selected forest areas was recognized by a brief section inserted in the act of March 3, 1891 (26 Stat., 1095), which authorized the President to establish forest reserves, now called National Forests. The first exercise of this authority was in the creation of the Yellowstone Park Timber Land Reserve, proclaimed by President Harrison March 30, 1891.

The mere creation and setting apart of forest reserves, however, without provision for their use, was both ineffectual and annoying to local interests dependent upon their resources. Consequently the Secretary of the Interior, in 1896, requested the National Academy of Sciences to recommend a national forest policy. This resulted in the passage of the act of June 4, 1897 (30 Stat., 11), under which, with subsequent enactments, National Forests are now administered.

On the theory that the management of land, not forests, was chiefly involved, this law gave the Secretary of the Interior authority over the Forests, and provided that they should be surveyed, mapped, and classified by the United States Geological Survey, and administered by the General Land Office. But the complex technical problems arising from the necessary use of forest and range soon demanded the introduction of scientific methods and a trained force, which could not be provided under the existing system. The advice and services of the Bureau of Forestry were found necessary, but, under the law, could be but imperfectly utilized. The necessity of consolidating the various branches of Government forest work became apparent, and was urged upon Congress by the President and by the executive officers concerned. Finally the act of February 1, 1905, transferred to the Secretary of Agriculture entire jurisdiction over the National Forests, except in matters of surveying and passage of title to land.

The regulations and instructions for the use of the National Forests here published are in accordance with the organic acts and with the various supplementary and amendatory laws passed since June 4, 1897. They are based upon the general policy laid down for the Forest Service by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run."

THE FOREST SERVICE.

ESTABLISHMENT.

The Secretary of Agriculture is empowered by Congress to "make such rules and regulations, and to establish such service as will insure the objects of such reservations [National Forests], namely, to regulate their occupancy and use, and to preserve the forests thereon from destruction." Under the provisions of this act the Secretary has made and published regulations relating to the protection and use of the National Forests, and has established the necessary service to carry such regulations into effect.

All permanent positions in the Forest Service are under the civil-service law. Vacancies are filled through certification by the Civil Service Commission, and information as to the times and places at which examinations will be held may be obtained only from the United States Civil Service Commission, Washington, D. C.

RELATION OF FOREST OFFICERS TO THE PUBLIC.

Forest officers are agents of the people. They must answer all inquiries fully and cheerfully, and be even more prompt and courteous in the conduct of Forest business than in private business. They must, of course, obey instructions and enforce regulations without fear or favor, they must not allow personal or other interests to weigh against the permanent good of the Forests; but it is no less their duty to encourage legitimate enterprises and to assist the public in making use of the resources of the Forests. They must make every effort to prevent misunderstanding and violation of Forest regulations, rather than to correct mistakes after they have been made. Information should be given tactfully, by advice and not by offensive warnings.

Persons who wish to make any use of the resources of a National Forest for which a permit is required should consult the nearest Forest officer, or, if more convenient, should write to the supervisor of the Forest upon which the use is desired.

THE FIELD ORGANIZATION OF THE FOREST SERVICE.

The administration of the National Forests and the conduct of all matters relating to forestry which have been placed upon the Department of Agriculture by Congress is, under the direction of the Secretary of Agriculture, in charge of the Forester, who is the Chief of the Forest Service. The office of the Forester is in Washington, D. C.

DISTRICTS.

For the better administration of the National Forests six districts have been established, with headquarters at the following places: *District 1*, Missoula, Mont.; *District 2*, Denver, Colo.; *District 3*, Albuquerque, N. Mex.; *District 4*, Ogden, Utah; *District 5*, San Francisco, Cal.; and *District 6*, Portland, Oreg. Each National Forest district embraces a number of National Forests, and the district officers are responsible for the general supervision and inspection of the administrative and technical work on the Forests within their respective districts.

NATIONAL FORESTS.

The forest areas are divided for the purposes of administration into convenient units of management, each of which is called a National Forest and is in charge of a forest supervisor. When the amount of business on a National Forest warrants it the forest supervisor is assisted by a deputy supervisor, who has such duties and authority as may be delegated to him by the Supervisor. The positions of forest supervisor and deputy forest supervisor are filled by promotion or transfer from classified positions in the Forest Service. The forest supervisor's headquarters are located at a place in or adjacent to the Forest from which the business can be conducted most conveniently and efficiently.

FOREST OFFICERS.

Field Officers.

The field work involved in directing the use, protection, and improvement of a National Forest is, under the supervision of the forest supervisor, performed by rangers, forest assistants, lumbermen, scalers, and planting assistants, all of whom are in the classified civil service. Appointment to any of these positions is made only from the eligible register resulting from competitive exami-

nations held by the United States Civil Service Commission, or by promotion. Rangers must be selected, when practicable, from qualified citizens of the States in which the National Forests respectively are situated.

Skilled and Unskilled Laborers.

The skilled and unskilled labor of a temporary character required in the use, protection, and improvement of the National Forests is performed by forest guards, field assistants, and temporary laborers. These positions are not in the classified civil service and are filled through selection by the forest supervisor or by officers in charge of field parties.

Clerks.

Clerical work in the supervisors' offices is performed by forest clerks, assisted by additional clerks if the amount of business warrants. The position of forest clerk, and of all clerks except those employed temporarily, is in the classified service and is filled by transfer or by appointment from the register of eligibles obtained from competitive examinations held by the Civil Service Commission. When lists of availables can be furnished by the commission temporary clerks are selected from such lists.

DIVISION OF ACCOUNTS.

Under the direction of the Chief of the Division of Accounts of the Department of Agriculture, the receipt and disbursement of the funds of the Forest Service, and the execution of all formal papers affecting the grade, assignment, or salary of members of the Forest Service, will be in charge of the chief of the Forest Service branch of the Division of Accounts and Disbursements. The chief of the Forest Service branch of accounts and disbursements is assisted by six district fiscal agents, each of whom has direct charge of all the work of the division arising in the district to which he is assigned. The district fiscal agent may be assisted by special disbursing officers, whose duties and authorities will be determined by the Secretary.

In each district a United States depository is designated which receives all revenues of the Forest Service in that district.

The chief of the Forest Service branch of the Division of Accounts and Disbursements and the district fiscal agents correspond directly with the members of the Forest Service in all matters pertaining to the settlement of accounts.

OFFICE OF THE SOLICITOR.

Under the direction of the Solicitor of the Department of Agriculture, the district assistants to the solicitor will be the advisors of the District Foresters and their assistants on all questions of law arising in the administration of the National Forests. The opinions of the district assistants will be binding on the District Foresters, except that in urgent cases an appeal may be taken through the Forester to the Solicitor.

All requests for formal opinions will be made in the form of written memoranda, accompanied, when possible, with all the papers in the case, and a full statement of facts out of which the request for an opinion arises. The district assistants to the solicitor will render their opinions in writing, addressed to the District Foresters. In matters of minor importance, where written and formal opinions are not necessary, or are impracticable, the District Foresters may informally consult with the district assistants.

All matters which have reached the stage where action in the courts is necessary must be referred to the district assistants to the solicitor. Thence forth the cases will be entirely in their hands, and all correspondence in reference thereto will be conducted and prepared by them. If additional evidence is needed they will request the District Foresters to supply it.

The district fiscal agents will request and receive advice and opinions from the district assistants to the solicitor in the same manner.

DISTRICT COMMITTEE.

The district committee will consist of the District Forester and such executive officers as he may designate. The committee will meet once a week. The following order of business will be observed:

Reading of the minutes.
Unfinished business.
Reports of subcommittees.
Discussion of reports of subcommittees.
Reports of members of the committee.

The committee will discuss matters which relate to the administration of the National Forests and to work of the Forest Service and will make definite recommendations, but decisions will rest with the District Forester. Copies of the minutes of the committee meetings will be sent to the Forester, to each District Forester, and to the Director of the Madison Laboratory. Copies may also be sent to the supervisors of the district in which the meeting is held. The discussions are informal and confidential, and a large part of their value depends upon keeping them so. The minutes will not be taken as instructions and supervisors will therefore be careful not to draw hasty conclusions from the record of these discussions, where it may seem that unnecessary criticism has passed.

DUTIES OF SERVICE AND DISTRICT OFFICERS AND SUPERVISORS WHEN IN THE FIELD.

Washington Officers.

Administrative officers of the Washington office, when in the field, will not issue instructions to officers upon the National Forests, except in cases of grave emergency. In such cases the District Forester concerned will be informed immediately, in writing, by the administrative officer, of the character of such instructions, and to whom they were given.

When on duty in a district, members of the Washington office will act either as inspectors, within their respective fields, reporting directly to the Forester, or as executive officers under the direction of the District Forester, in accordance with the instructions from the Forester.

District Officers.

The District Foresters and assistant district foresters, and district officers designated by them, are authorized, within their respective fields, to give instructions to officers upon the National Forests within their districts. Other subordinate officers of the district office when on National Forests will, by assignment, act as inspectors within their respective fields, reporting directly to their chief, or as executive officers reporting directly to the supervisor.

Instructions Issued in the Field.

When a district officer issues instructions to a supervisor he should prepare a written memorandum of them to go into the forest supervisor's file. Orders to rangers and other field officers should be given only in emergency cases, and when such orders are found necessary they should be communicated, by the officer issuing them, to the supervisor as soon as possible. Copies of these memoranda should be sent to the District Forester whenever the action initiated by them requires further action in the district office or is needed for information.

When a district officer is in doubt concerning instructions to be given, especially when it concerns matters outside of the officer's special line of work, he will report the circumstances in detail to the District Forester.

Reports on controversies or complaints, which are settled on the ground by the district officer, will be filed for reference in the district office and a copy sent to the supervisor.

Inspectors.

Members of the Washington and district offices, when on National Forests under assignments as inspectors, will give no orders.

Authority of Supervisors.

The supervisor has full authority over all Forest officers detailed to the Forest of which he is in charge and may make such assignments and delegate such authority as he may consider necessary, provided such assignments or delegations of authority are not specifically prohibited.

FIELD EQUIPMENT AND EXPENSES OF FOREST OFFICERS.

Equipment.

Forest officers or employees assigned to field duty may be required to furnish themselves with the necessary means of transportation, with the requisite equipment. They may also be required to furnish themselves with necessary camp equipment. The supervisor will determine what equipment each officer on his Forest must provide. The District Forester will determine what field equipment the members of the district office and the supervisors must provide.

Subsistence and Lodging.

Forest officers and employees, unless it is specifically so provided by the terms of their employments or included in their appointment orders, will not receive subsistence or be reimbursed their expenses for subsistence and lodging, or other expenses, while at their permanent station or place of employment. They may, however, be reimbursed their expenses for travel, subsistence, and lodging, when absent from their official station on official business.

Extravagance will not be tolerated, since it is expected that an employee when traveling at Government expense will incur only those expenses which would be incurred were he traveling at his own expense.

Subsistence in Lieu of Salary.

Subsistence not provided for in travel authorizations may be furnished to Forest guards or other temporary employees serving under appointments by the Secretary of Agriculture when authorized by the terms of such appointments. In requesting such appointments the district foresters will recommend a reduction in the salary usually paid for the same grade of employee in an amount equivalent to the estimated cost of such subsistence.

Subsistence at Ranger Stations.

Rangers occupying ranger stations should be paid by visiting officers for meals and for the use of beds or bedding.

Subsistence from Forest Users.

It is against the policy of the Forest Service for its officers to accept in any unreasonable measure hospitality from Forest users. It is realized that many Forest users will not accept payment for subsistence and horse feed, but Forest officers should in all cases offer payment. They should avoid stopping at places where the owners will not accept payment, unless such avoidance will mean great inconvenience.

Forage.

When the estimated cost of forage and stabling of horses owned by field officers necessary to carry on their field duties exceeds $75 per annum in the case of permanent employees, or $6.25 per month in the case of temporary employees, the excess above the $75 per annum or the $6.25 per month will be paid by the Forest Service upon the certification of the supervisor (see Reg. G. A. 1). The form of such certification will be as follows:

> I hereby certify that this expenditure is to cover cost of forage in excess of the estimated amount of $75 per annum for the use of_____ an employee of the Forest Service.
>
> _____,
> *Supervisor.*

In order to make the payment of such expenses uniform and equitable the conditions surrounding the incurrence of such expenses for each employee shall be reported annually by the supervisor, and he should make careful estimates of the amount needed for this purpose for the next fiscal year. This report should show for each member of the Forest force: The number of horses owned and used in official work and initial cost, cost of equipment for horses, cost of feed and stabling, value of feed produced at ranger stations and cost of production, number of days the horses were used in field work, the number of days horses were not used, cost of shoeing horses, total cost of maintenance per year per horse.

From the suballotment for forage approved by the District Forester the supervisor will make allotments to the Forest officers for expenses as above, and the amount allotted to any Forest officer must not be exceeded during the fiscal year unless a sufficient reason is given and the allotment is increased by the supervisor to cover the necessary excess, provided the amount necessary to cover such increase can be secured through a readjustment of the suballotments to the Forest.

Supplies for Motor Vehicles.

When Forest officers or other employees own motor-driven vehicles, which they use in lieu of saddle horses or other animals in the performance of their official duties, the expense for gasoline, carbide, and oil will generally be reimbursed them. Repairs on such vehicles will not be paid by the Government.

Transfer of Household Effects.

Forest officers transferred from one official station to another for permanent duty may, under the written authority of the Forester, be allowed freight and drayage charges for the transfer of their household effects and of other personal property used by such officers when transferred, not exceeding in all 3,500 pounds. Horses will be transported at Government expense only when used in official work. Shipments by freight must be on Government bills of lading (see Methods of Shipment, p. 83), and each account must be accompanied by letter of instructions, and the certificate of the officer best qualified to make it that the property so shipped consists of the household goods of the officer transferred and is exclusively his property. (Act Mar. 4, 1911, Public No. 478, and Departmental Order No. 145.)

The Forest Badge.

The Forest officer is supplied with a badge, which serves as an evidence of his authority as an officer of the Forest Service. Every precaution must be taken against the loss of badges or their possession by persons not authorized to wear them. Broken or worn-out badges should be returned to the property clerk for repair or replacement.

When Not on Duty.

Reimbursement will not be made to employees for expenses incurred while on sick or annual leave, while on furlough, or leave of absence without pay. Telegrams regarding salary or leave of absence are considered private business, and the expense of neither the message sent nor the reply will be borne by the Government.

Summary of Comparative Cost of Living Expenses.

In order to obtain data for a just and equitable policy of reimbursing Forest officers for field expenses and also as a guide in making promotions and fixing rates of compensation, the comparative living costs of Forest officers should be ascertained. This should give the cost of food supplies, wearing apparel, board, lodging, and house rent, at headquarters and also in the field. An annual summary of this record should be included in the personnel report.

QUARTERS.

Properly located and equipped quarters are essential to the efficient transaction of business, the safeguarding of Government property, and the convenience of the public. Their selection should, however, be made with strict regard to economy.

District Offices.

The headquarters of the National Forest districts are located at places which offer the greatest advantages for the administration of the business of the Forest Service. Leases of district offices will be prepared in quadruplicate by the district assistant to the solicitor, on information furnished by the District Forester. After the District Forester has secured the execution of three copies by the lessor, the district assistant to the solicitor will pass upon the execution and if the copies are properly executed he will initial and return them to the District Forester, who will initial and send them to the Forester. After they have been executed by the Secretary they will be returned to the District Forester, who will send one executed copy to the lessor and two executed copies with the file copy to the district fiscal agent.

Supervisors' Offices.

The office of the Forest Supervisor of each National Forest will be located at the place which offers the greatest advantage for the transaction of business with Forest users, and the best facilities of transportation and communication with the Forest. In the event of the establishment of a new Forest, or in case the headquarters of a Forest are not well located, the District Forester will investigate the comparative advantages as headquarters of all the towns in the vicinity of the Forest, and will then submit definite recommendations to the Forester. The Forest Supervisor is responsible for the selection of suitable quarters for his office force and property. Whenever quarters become unsuitable the supervisor will submit recommendations to the District Forester, after investigation, for securing new quarters. Leases for supervisor's offices may be prepared by the supervisor under instructions from the District Forester.

They will be prepared in quintuplicate on the form approved by the solicitor. The service to be given by the lessor, including light, heat, telephone, and janitor service, should be described in detail in the lease. After three copies have been executed by the lessor, the five copies will be sent to the District Forester, who will refer them to the district assistant to the solicitor for approval as to form and execution. Such lease may, however, be prepared by the district assistant to the solicitor on information by the District Forester, whenever this procedure is more convenient. In either case, when the lease executed in triplicate by the lessor has been approved and initialed by the district assistant to the solicitor, it will be returned to the District Forester, who will initial and forward the three copies executed by the lessor to the Forester for execution. After these three copies have been executed by the Forester they will be returned to the District Forester, who will forward one executed copy to the lessor, two executed copies and one file copy to the district fiscal agent, and the remaining file copy to the supervisor.

Rangers' Offices, Storage, and Other Quarters.

When the amount or character of business on a ranger district, timber sale, or other important project requires office or storage facilities, and where the Service has no suitable quarters, the supervisor should report the situation, in detail, to the District Forester, with definite recommendations for the lease, or acquisition through other means, of suitable quarters. The procedure prescribed for preparing and forwarding leases for rangers' offices and other quarters on the Forests will be the same as for supervisor offices.

Supervisors and other officers should not close any arrangement for quarters until the necessary approval of their superior officer is obtained.

Lease of Land.

Owing to the fact that the department is not permitted to incur obligations for a period beyond the limit of the appropriation act, which is nearly always the fiscal year, land must not be leased for any purpose requiring the construction of buildings of a permanent character. The matter should be reported upon very fully to the Forester, and if approved by him, the procedure will be the same as for supervisors' offices.

Construction of Buildings.

When Government land is available, or in case land has been leased for supervisors' or rangers' offices, or for other purposes, the plans and cost of the buildings must be reported on fully to the District Forester, in accordance with the outline for the construction of buildings in the Improvement section of the Manual.

Ranger Stations.

Large areas within the National Forests are practically uninhabited, and entirely lack living accommodations. To remedy this situation Congress has provided for the construction of houses for Forest officers stationed on the Forests. It is clearly the intention of Congress that such dwellings shall be constructed only where they serve the actual needs of the Service, and not merely those of the ranger or other officer by whom they will be occupied. The construction or lease of dwellings solely for the personal needs of a Forest officer can be construed only as granting additional compensation, which can not be done unless specifically provided by law. Only where there is an undeniable need for them and when it is impracticable for the officer to rent or construct his own living quarters will houses be leased, rented, or constructed at Government expense. When the supervisor desires to construct or rent such quarters at Government expense he will report to the District Forester, in detail, the need for them and show that it is impracticable to provide them in any other way, and that they are not constructed or rented for the purpose of granting additional compensation to the officer who will occupy the quarters. The actual construction of such quarters will be handled in the manner outlined in the Improvement section of the Manual.

Quarters in Government Buildings.

When the quarters are desired in an existing Federal building the District Forester will prepare a letter for the signature of the Secretary of Agriculture, addressed to the Secretary of the Treasury, stating the number of rooms and amount of floor space required, the purposes for which the space is needed, and the amount paid as rental and other expenses, including light, heat, and janitor services, for other quarters occupied at the time. When the erection of a new

Federal building is proposed at any place where rented quarters are occupied by the Forest Service the District Forester will inform the Forester upon request of the amount of space needed in the new building and the amount of rental (including light, heat, and janitor service), if any, being paid for quarters. If it is contemplated to remove the offices to a town or city in which the new Federal building is to be built, the amount of rental paid at the present location should be given. The necessary memorandum to the Secretary of Agriculture will be prepared in the Washington office. If no space is needed in a new Federal building, this fact will be reported to the Forester.

Signs.

All quarters used by the Forest Service for the transaction of business with the public, including ranger stations, must be equipped with suitable signs. A sign that is approved for supervisors' offices is:

FOREST SERVICE
U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF
OLYMPIC NATIONAL FOREST.

For a ranger station:

HUMPTULIPS RANGER STATION.

It is often advisable, also, to give the name of the ranger in some appropriate manner.

Property Notices.

All buildings owned by the Forest Service should have a property notice posted in a conspicuous place.

Use of Flag.

District, supervisors', and rangers' offices and headquarters should be provided with facilities for flying the United States flag, different sizes of which can be obtained on requisition. Even at temporary camps a flag calls to the attention of passers-by the presence of Forest officers; its use in such cases is recommended.

Maintenance of Quarters.

The Forest officer in immediate charge of buildings used by the Service will be held responsible for the order and repair in which the buildings and grounds are kept. When repairs or other work on quarters are needed, which can not be performed by the regular force, the necessary report and estimates should be submitted, in accordance with the instructions for permanent improvements. When necessary, expenses for janitor service for the care of National Forest offices may be incurred.

Equipment.

Standard furniture and equipment for quarters must be obtained on requisition from the property clerk. Furniture and equipment for supervisors' or rangers' quarters not furnished by the property clerk and costing more than $10 (except stoves, drafting tables, and blue-print apparatus) can not be purchased without the approval of the District Forester. Principles of economy should govern all Forest officers in expenditures for such equipment.

THE ADMINISTRATIVE PLAN.

THE FOREST FORCE.

Responsibility for supervising the use of the National Forests and for protecting and improving them rests primarily upon the supervisors. The personnel on a National Forest will be determined by the District Forester from annual estimates submitted by the supervisor.

District Rangers.

The routine work involved in the supervision of grazing, timber sale, free use, special use, and other contracts and permits, the direction of the protection and improvement plans, and the examination of and report on applications for any use of the Forest, including settlement and other claims, will be performed by rangers, who will be in entire charge of the work of such character within their ranger districts. The number of ranger districts into which a

National Forest should be divided will be determined by the supervisor, with the approval of the District Forester. The aim should be to so divide the Forest that in each district all of the regular work can be handled efficiently by one well-qualified ranger if granted the necessary temporary assistance. There is, of course, a practical limit to the area which can be handled by one officer, even with the most liberal assistance. So far experience has proven that ordinarily an area of approximately 200,000 acres represents this limit, though in exceptional cases the area may be greater. The area will, however, depend on the value of the Forest property, the extent of its use, and the availability of temporary assistance when most needed. Where such assistance can not be obtained, or where there is constant heavy work, it may become advisable to establish smaller districts. Where means of travel and communication are good, however, or where there is only a small volume of business, or where the fire hazard is low, districts larger than 200,000 acres may be established. The district rangers should have their headquarters at the nearest business center, or, if that is impracticable, permanent headquarters should be provided on the Forest.

Assistance for District Rangers.

When the work is too heavy or too complex to be handled by the district ranger alone, and yet does not make it advisable to divide the district, forest assistants, assistant rangers, guards, or other officers should be assigned to the district for such period as may be necessary.

Project Assistants.

Ordinarily project assistants will be under the direction of the district ranger, but in special cases, as in large timber sales, they may be given exclusive authority by the supervisor over a specific project, in which case they will have the standing of district rangers. Such assistants should, so far as possible, be kept on distinct lines of work.

Temporary employees who show special aptitude for specific lines of work should be kept on duty for the maximum period when this is practicable, because properly qualified assistants can secure the necessary training and experience only in the Service.

Data for Working Plans to be Obtained by Specially Qualified Assistants.

The work involved in making Forest surveys necessary to the preparation of definite plans of management for timber, grazing, settlement, special uses, administration, and protection will be performed by officers specially qualified, such as forest assistants, grazing examiners, lumbermen, members of the district office, or by the supervisor or deputy supervisor.

Preparation for Making Working Plans.

Plans, with estimates of cost for such surveys, will be made by the supervisor in accordance with the instructions given in the forest plans section of the Manual. The District Forester will determine those to be undertaken and have general direction over the details of execution and the personnel of the parties conducting the field and office work. Such parties will, however, while in the field be under the direction of the supervisor.

Allotment for Working Plan.

The allotment of money for the preparation of working plans will be made by the District Forester in accordance with the plan approved by the Forester. When a project has been determined upon the District Forester will allot to the supervisor the necessary money for its completion. Separate records should be kept of the cost of each project.

Nontechnical Assistance.

Work of a nontechnical character which can not be performed by the regular force will be performed by assistant forest rangers, forest guards, field assistants, and temporary laborers. Such assistants should be employed only for a particular purpose, and their salaries and expenses should be paid from a special allotment for that purpose. They are directly responsible to the officer directing their work. The instructions for each piece of work will include estimates for the expense of such assistance.

Clerical Assistants.

The forest clerk ordinarily will perform all the routine clerical duties of the supervisor's office. His salary will be charged to the general administra-

tion of the Forest. Other permanent or temporary clerks may be employed when the business of the office warrants, but unless the major portion of their time is actually occupied in routine duties their salaries will be charged to the particular line of work upon which they are engaged. The same policy will apply to draftsmen.

ANNUAL ALLOTMENT ESTIMATE.

On April 1 of each year a report will be submitted by the supervisor to the District Forester containing (A) a statement of the business of the Forest, (B) an outline of its organization, and (C) an estimate of the allotments required during the ensuing fiscal year.

The Business of the Forest.

(A) The business of the Forest should be discussed under four headings: *Administrative work, Protective work, Constructive work,* and *Receipts and expenditures.*

Under *administrative work* should be estimated for the following year, by ranger districts:

(1) The amount of timber to be estimated, sold, and cut, and the number of sales.

(2) The amount of timber to be cut under free use and the number of permits.

(3) The amount of stock to be grazed, by classes, and the number of permits.

(4) The number of settlement, special use or easement, and claims cases to be examined.

(5) Any other kinds of administrative work to be performed (i. e., work related to the immediate use of the Forest).

Under *protective work* should be given, by districts and classes, the value of the destructible resources of the Forest, the fire liability, and the fire hazard or risk.

The value of destructible resources consists of—

(1) Appraised value of merchantable timber.

(2) Expectation value of young growth, excluding areas where the method of cutting will not utilize young growth now established.

(3) Commercial value of forage.

(4) Value of land for watershed protection, including all timbered and brush areas. This valuation will necessarily be arbitrary and should be standardized in each district at fixed rates per acre for various types and localities. Such rates will be based upon the relative influence of various types of cover upon streamflow as far as determinable, but primarily upon the extent to which the streams are used for industrial purposes and the consequent need for protective cover.

The fire liability is the part of the foregoing values which are liable to be destroyed by fire.

The fire hazard to which each portion of the Forest is subject should be stated as concretely as possible, considering (1) sources of danger, (2) kind of fires liable to occur, and (3) ease or difficulty of control as determined by accessibility, protective equipment, available labor, etc.

The total value of the destructible resources indicates in concrete form the Forest property to be protected. On the fire liability and fire hazard, however, depend the intensity of the protective work, or insurance, required. Both together should be used by the supervisor and District Forester to check expenditures for protection on the Forest as a whole and on its component parts. The usefulness of this check is primarily as to the relative needs of different Forests and districts. Each District Forester should, therefore, standardize the bases for determining total values, liability, and hazards that they may be uniform for similar conditions on all Forests. (See section on Protection from fire.) Where the valuation of resources, fire liability, and fire hazard have been accurately determined in a forest plan, these items need not be further reported under Forest business unless revised data affecting the expenditures for protection are secured.

Under *constructive work* should be reported the work which should be done during the following fiscal year in—

(1) Construction and maintenance of improvements, listing projects separately, and showing their relation to the improvement plan of the Forest.

(2) Preparation of a forest plan, including timber reconnaissance not required for pending sale applications, grazing reconnaissance, and classification of agricultural lands.

(3) Reforestation, including seed collection, field seeding or planting, and maintenance of existing nurseries.

(4) Any other lines necessary as part of the permanent development of the Forest.

Under *receipts and expenditures* should be estimated the total revenues and expenditures for the current fiscal year, classified in accordance with the Manual of Accounting. The classification of expenditures should show, as far as practicable, the cost of administrative, protective, and constructive work separately, and of each of the major lines of administrative and constructive work.

Outline of the Forest Organization.

(B) The organization of the Forest will be shown by—

(1) A map on a half-inch scale showing ranger districts and headquarters; the location of the larger timber sales; free use areas; important special uses; and other administrative projects; the more essential features of the protective organization; and the location of major permanent improvements and areas where reconnaissance or land classification is proposed.

(2) A statement of the number and areas of ranger districts, with the cost, salary, and expenses of the permanent force in each; the number and cost of temporary assistants required on each class of administrative work, on protective work, and on constructive work respectively; the executive force at the Forest headquarters and its annual cost; and the clerical force, permanent and temporary, required, together with its cost.

Estimate of Allotment.

(C) The estimate of allotments for the ensuing fiscal year, based upon the statements of Forest business and organization, should forecast the cost of each line of work during the next year by classes of expenditures as prescribed in the Manual of Accounting. The cost of administrative, protective, and constructive work should be indicated separately as far as the organization of the force makes this possible.

ANNUAL APPROPRIATION ESTIMATES.

Estimates for appropriations for the fiscal year following the next ensuing fiscal year will be submitted on April 1 by the supervisor to the District Forester. These estimates will be submitted by lines of work and classes of expenditures in accordance with the Manual of Accounting. They will be based upon the allotment estimates for the ensuing year, with such changes as a forecast of the business and most efficient organization of the Forest make advisable. To secure uniformity, the District Foresters will issue detailed instructions on the preparation of these estimates.

On May 1 the District Forester will submit complete estimates for the district to the Forester.

CONTROL OF THE FOREST FORCE.

POLICY.

Qualifications of Forest Officers.

To maintain the high standards rightfully demanded of its servants by the public, every member of the Forest Service, besides having knowledge and experience, must be honest, courteous, and industrious.

Relations Between Officers.

The desired standard of efficiency and service can not be obtained by any hard and fast rules such as control military organizations. Such rules would, in fact, prove a handicap. A control based on justice and upon an understanding of the character and experience of the men and upon dependence on their good sense and loyalty has been the governing policy of the Forest Service from the beginning.

While Forest officers must exercise, when necessary, the authority which their positions carry, they should always be mindful of their responsibility rather than of their right to give commands. Instructions and not orders should be issued by superior to subordinate officers. A dictatorial manner or a lack of courtesy is a demonstration of failure to meet the standards of the Service.

A Forest officer should exercise the most unfailing loyalty, patience, tact, and comradeship, and the most persistent and conscientious effort to cooperate with and to assist his fellow officers.

Selection.

In selecting men from the civil service registers, pains should be taken to look into their character and reputation, so that unfit men may be prevented from entering the Service. If a person on the eligible list is found to be unfit his name should be passed, and the facts reported promptly to the District Forester.

The experience and training necessary to pass the civil service examination for assistant forest ranger can be obtained in but few occupations outside of the Service, and usually eligibles on the register are persons who have been employed in some capacity on the Forests. In selecting forest guards and other temporary employees the supervisor should, therefore, consider their natural aptitude and encourage promising appointees to perfect themselves in all branches of Forest work.

Assignment.

When making personnel assignments the supervisor should carefully consider the fitness of the man for the particular project. This precaution not only obtains better results but is more just to the man. No one should be assigned to work which he can not perform satisfactorily. Fully qualified men can be obtained, however, only rarely, and, in order to insure the greatest possible degree of success, the officer in charge should see that inexperienced men are furnished with the most explicit instructions. These instructions should cover not only the methods of doing the work, but should include suggestions as to proper equipment and any other information which may prove of value.

Authority to Assign or Transfer.

The supervisor has authority to assign or transfer men on the Forest of which he is in charge, but transfers to other Forests, after being arranged for tentatively, must be approved by the District Forester, and must be reported to the Forester when the transfer is made. The district foresters may arrange for the transfer of rangers and clerks between districts, but if such transfers involve changes in district allotments the District Forester will at once recommend the necessary increase or decrease in the district allotment. The assignment or transfer of executive officers such as assistant district foresters or supervisors, may be arranged for tentatively by the district foresters, but must be approved by the Forester.

Supervision.

To judge a man's efficiency, it is necessary that the officer in charge shall have an intimate knowledge of his character, mentality, and ambitions. This can be obtained only by actual contact, and advantage should be taken of every opportunity to get into personal touch with the man and to watch his work in the field. Some men develop rapidly, others slowly, and this fact should be taken into consideration when determining an employee's present and possible future value to the Service.

Officers should not hesitate to extend praise for good work; in fact, it can almost always be given without danger. At the same time, errors, negligence, or lack of industry should be pointed out immediately they are discovered.

Probational Appointments.

The civil service rules provide for a period of probation, during which time appointees from the register may be separated for unsatisfactory services without the formalities required to terminate absolute appointments.

The probational period is six months, except for forest assistants and assistant forest rangers. For these two positions the period is one year. During the probational period the officer under whom the appointee is working will determine his ability to perform the duties of his position. The conclusion should not be hastily reached that the probationer is inefficient or incapable; but when the officer in charge is fully satisfied that the appointee is inefficient or incapable and that the public service will not be benefited by his retention, the facts should be reported to the District Forester in ample time to permit the initiation of the action required under the civil service rules. Retention after the expiration of the probational period constitutes an absolute appointment.

Salaries and Promotions.

The rates of compensation of Forest officers on the miscellaneous roll are fixed by the Secretary. Statutory positions are established by act of Con-

gress. Promotions will be based strictly on merit, length of service, and the possession of qualifications required for each position. The district foresters will issue instructions annually to the supervisors, outlining the policy which must be followed in fixing the compensation of forest guards and other temporary employees. Such instructions will be based on reports from the supervisors giving local rates of compensation from private employers, and the relative cost of living. They should recommend the rates of compensation which the Service should offer to obtain the right kind of men.

Outside Employment.

All employees are expected to give their entire time to the Service. In exceptional cases permission to engage in outside employment may be obtained from the Secretary of Agriculture. When such permission is desired, the member concerned should address his request to the Secretary of Agriculture, in accordance with section 6 of the Fiscal Regulations, giving a statement of the kind of work contemplated, and that it will not hamper or interfere with his work for the department. If his immediate superior approves the request, he will initial and forward it to the Secretary through the proper channels.

Leave of Absence.

Members of the Forest Service on duty outside of Washington may be granted leave of absence with pay for a period of not to exceed 15 days annually, or at the rate of 1¼ days per month. In case of sickness there will be granted an additional leave of absence with pay of 15 days per year, or at the rate of 1¼ days per month.

It should be understood by all Forest officers that the granting of annual leave of absence is entirely within the discretion of their superior officers, and that in case of urgent work, or for other good reasons, it may be impracticable to grant them the whole or a part of the annual leave.

Leave of absence without pay for a period not to exceed 30 days may be granted by the supervisor to Forest officers, at their own request, in order to attend to private business or for other good reasons. Applications for leave of absence without pay for periods longer than 30 days will be referred with appropriate recommendations to the District Forester. The Fiscal Regulations contain full instructions relative to the methods of calculating leave of absence.

Furlough.

Forest officers are furloughed without pay at the instance of their superior officer, when, on account of lack of funds or cessation of work, it becomes inadvisable to keep them on the pay roll. Officers on furlough have the same rights under the civil service rules and regulations as have officers on active duty, and when funds again become available or work is resumed, they must be given preference. In case they do not desire to be restored to active duty, they should either resign or apply for leave without pay.

Personnel Reports.

The supervisor will submit on May 1 an efficiency report on each member of his force in duplicate on the regular departmental form, and this report will include his annual promotion recommendations. No other personnel report will be made by the supervisor, except in cases which require special attention or action, or when called upon by the District Forester.

Diaries.

Members of the district office, supervisors, and deputy supervisors will keep a diary when traveling in the field. Forest clerks will keep a diary of the daily proceedings in the office of the supervisor. Visits from permittees and others and the nature of the business transacted should be noted. All officers on the Forests will record every day's service in a diary to be kept in the regular field notebook, which will be submitted to the supervisor on request. When it is considered desirable by either the District Forester or the supervisor, the Forest force may be required to accompany the monthly service report (Form 26) with a brief summary of the dairy for the month.

Supervisors will bear in mind that in no case will the examination of rangers' diaries replace field supervision. The diary is a record and not a measure of efficiency, and no criticism of Forest officers' actions will be based upon it unless substantiated by investigation.

Rangers' diaries should contain a concise statement of the work done during the day, including patrol, fire, scaling, cruising, surveying, investigations, reports, range examinations, improvements, etc. The particular project should be named in each case, as well as the exact nature of the work. The names of people with whom the Forest business was transacted or discussed should be given and the nature of the business stated. Topics such as general timber estimates, future work to be done, condition of range or watershed, possible routes for trails or telephone lines, sites for stations, bridges, plantations, free-use areas, watering places for stock, topography, and location of corners should be entered.

Diaries of supervisors and deputy supervisors will be examined and initialed by the proper administrative officers who visit the Forest. The diaries of other members of the Forest force will be examined periodically and initialed by the supervisor or deputy supervisor and also by members of the district office, above the rank of chief of section, visiting the Forest. All diaries of Forest officers will constitute a part of the permanent records of the Forest, and when a Forest officer leaves the Service his diary will be turned in to the supervisor. Rangers' and guards' diaries will be filed in the headquarters of the district in which they have served.

Record of Distribution of Service.

The certificates of service (Form 26) will be made monthly to the supervisor by all officers on his Forest. Those assigned to a Forest from the district office will submit a duplicate Form 26 for the information of the District Forester. Supervisors will make such arrangements as are necessary to insure the receipt at their offices of the Forms 26 not later than the 5th day of each month.

Records of Conferences.

In addition to the diary record of business transacted or discussed a record in memorandum form will be made of every important conference relating to Forest work. The memorandum will show when and where the conference was held, who was present, what matters were discussed, what statements were made, and what conclusions were reached. It will bear the proper filing designation and will be signed by the officer making the memorandum and be filed with the other papers in the case.

Development of Employees.

The members of the regular force on the Forests are not specialists, but must be proficient in all lines of work. Experience is required to develop this proficiency, hence supervisors should give their officers opportunity to obtain wide training and experience, and should make assignments with this end in view.

Instructional Assignments.

During the winter, when many rangers are not fully occupied with routine business, the supervisor should assign to them duties of such character as improve the quality of their work. The ability to draw good maps is of great importance; at the same time it is an ability which many officers do not possess. Suitable instructions should be issued on this subject, and compliance with them made a part of the officer's duties. Likewise, a course of instruction in the use of the typewriter will prove of value. Many other subjects, such as surveying and estimating, could well be covered by such instructions, and if carried out would result in greatly increased efficiency.

Ranger Meetings.

To give Forest officers the benefit of one another's experience, to keep them in touch with the entire work of the Forest, and to promote esprit de corps, an annual meeting should be held of the entire force on each Forest. When a supervisor desires to hold such a meeting he will submit to the District Forester for approval or revision a detailed statement which will include the place of meeting, the program, the date and period, and the cost in traveling expenses, together with some statement as to whether the meeting will interfere with the work on the Forest.

When feasible, joint meetings of the force on adjoining Forests should be arranged, and the District Forester should, if possible, assign members of his office to attend every ranger meeting.

Rangers' Reading Courses.

The District Foresters should prepare outlines of courses of reading for the rangers, which will cover the various subjects and contain references to the available books. This will insure an intelligent and systematic use of the books in the Forest libraries. These outlines may be supplemented by lists of questions to be answered by the ranger students, after the reading course is completed. The details of the plan and its execution will be left, however, to the District Foresters.

Attendance of Forest Officers at Public Meetings.

A forest supervisor or his representative may, when necessary, attend meetings which directly affect the administration of the National Forest of which he is in charge. One member of the district office may also be authorized by the District Forester to attend such meetings. When a supervisor is invited to attend meetings of this kind he will inform the District Forester and make recommendations as to the advisability of the attendance of a member from the district office. In case it is desirable for a Forest officer to attend meetings other than those here specified, the circumstances should be reported to the Forester through the proper channels. (See p. 63.)

Temporary Details to Washington Office.

To keep close touch between officers in Washington and in the districts, the Forester will call District Foresters and assistant district foresters into Washington for details of approximately one month. These details may be to aid in the general administration of the Service, for conference on important points of policy, or for special work.

To prevent serious interference with the plans in the districts, the District Foresters will be called upon for suggestions and recommendations before any detail is made from a district office to Washington.

Temporary Details to the District Offices.

The District Forester will detail supervisors, deputy supervisors, forest assistants, and, in cases of special efficiency, forest rangers, to assist as needed in the district offices of Operation, Lands, Silviculture, Grazing, and Products. The total number of such details to any district office for any one year will be determined by the District Forester. Only in cases of emergency will the period of such detail exceed, for any one man, six weeks in a single year.

Amendments to Forester's Authorization.

Whenever a member of the field force is detailed to a district office, or to the Washington office, for a period longer than six weeks, an amendment to the Forester's letter of authorization will be requested of the Secretary, in the following form:

> The SECRETARY OF AGRICULTURE:
>
> SIR: I have the honor to request that Letter of Authorization No. 537 to the Forester, dated July 1, 1909, be amended to permit ———, whose official station is ———, to be reimbursed for his actual expenses incurred for subsistence while detailed to the office of the Forest Service at ———. for the period not to exceed ——— days, the expenses for subsistence not to exceed an average of $—— per day.
>
> Very respectfully, ——— ———,
>
> *Forester.*

The maximum allowance for subsistence (meals and lodging only) during a temporary detail of more than 15 days should not exceed an average of $3 per day for the whole period.

Efficiency.

To familiarize the rangers with the general routinue of Forest business and with matters outside of their districts; each supervisor will arrange for temporary office details from his ranger force. Such details must not interfere with field work or occasion an increase in the force, and should not exceed one month in duration. An important result of the detail will be the training and development of the ranger. As a rule, office work outside the duties of the supervisor and his deputy can be done better and more cheaply by clerical help.

Misconduct.

Conduct detrimental to the work of the Forest Service, or subversive of discipline, such as disobedience of orders, negligence, insubordination, dishonesty,

inefficiency, drunkenness, disreputability, or a prejudicial personal interest in the exploitation of the resources of the Forest, renders the offending officer subject to disciplinary measures. Members in doubt as to the application of the rules to their private actions should seek the advice of their official superiors.

Rules for Conduct.

The following specific rules for conduct have been adopted:

(1) No member of the Forest Service shall, under any circumstances, file or initiate a claim, directly or indirectly, under any of the public-land laws, to land within the limits of a National Forest. A member who has secured a claim under any of the public-land laws to such land, before its inclusion within a National Forest or before his appointment as a Forest officer, will be allowed to perfect his title, but he may be compelled to choose between his claim and his position should his duties make it impossible for him to comply with the residence or improvement requirements.

(2) A member of the Forest Service may acquire land not included within a National Forest, under any of the Federal or State land laws, or have an interest in any association, partnership, or company formed with a view to acquiring such land, unless such action might prejudice his standing as a Forest officer, influence his official action, or tend to bring criticism upon the Forest Service.

(3) A member of the Forest Service may purchase private land within or near a National Forest, unless such action might prejudice his standing as a Forest officer, influence his official action, or tend to bring criticism upon the Forest Service.

(4) No member of the Forest Service shall, as principal, partner, or agent, speculate or be commercially interested in timber or other forest products, or in live stock, or in any ownership or lease of any timberland, or in any lumbering contract or operation, whether on the National Forests or elsewhere, when such action will prejudice his standing, influence his official action, or tend to bring criticism upon the Forest Service.

(5) No member of the Forest Service shall, as principal partner or agent, be interested in any enterprise which profits by the use of any National Forest on which he is employed or by any investigation or other work in which he may be engaged, except as otherwise provided herein.

(6) No member of the Forest Service shall, directly or indirectly, engage in or profit by private business transactions with or receive gifts from a National Forest user or others with whom he has official relations which might influence his official action or tend to expose the Forest Service to criticism.

(7) It is improper for any member of the Forest Service to grant any privilege or permit by which he or any member of his family will profit, directly or indirectly. Such permits may be issued only by his official superior.

(8) Whenever in granting a permit or in making any decision or recommendation the good faith of a member of the Forest Service might be questioned, on the ground that the action was influenced by personal friendship, family relationship, or business interests, the Forest officer may refer the case to his official superior when in his judgment this course is advisable in order to protect himself and the Service.

(9) No member of the Forest Service shall give or use information acquired by means of his official position to advance the interests of himself, his family, his business associates, or his personal friends over those of other persons.

(10) No member of the Forest Service shall engage in any speculation, mercantile transaction, or other activity of a character to engross his attention or to divert it from his public duty.

(11) A Forest officer is a representative of the National Government, and as such his acts as a private individual are particularly open to criticism and may reflect on the Service. Consequently he must set and hold to a high standard of personal conduct and integrity that will safeguard the Service against criticism and embarrassment.

(12) The orders prohibiting political activity, which follow, will be strictly enforced.

POLITICAL ACTIVITY.—Rule 1, section 1, of the civil-service rules reads as follows:

> No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as

they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

The first sentence of the rule applies to every person in the executive civil service, irrrespective of the method of his appointment. The second sentence of the rule applies to all persons holding positions in the competitive classified service, whether the appointment be permanent or temporary in character, and by departmental action has also generally been made applicable to unclassified laborers.

The following forms of activity have been held to be forbidden by this provision:

Service on political committees; service as delegates to State, county, or district conventions of a political party, although it was understood that the employees were not "to take or use any political activity in going to these conventions or otherwise violate the civil-service rules"; service as officer of a political club, as chairman of a political meeting, or as secretary of an antisaloon league; continued political activity and leadership; activity at the polls on election day; the publication or editing of a newspaper in the interests of a political party; the publication of political articles bearing on qualifications of different candidates; the distribution of political literature; holding office in a club which takes an active part in political campaigns or management; making speeches before political meetings or clubs; activity in local-option campaigns; circulation of petitions having a political object, of petitions proposing amendments to municipal charter, of petitions favoring candidates for municipal offices, and of local-option petitions; candidacy for or holding of elective office; accepting nomination for political office with the intention of resigning from the competitive service if elected; recommendation by clerks and carriers of a person to be postmaster; service as a commissioner of election in a community where it was notorious that a commissioner of election must be an active politician; service as inspector of election, ballot clerk, ballot inspector, judge of election, or member of election board; or generally any form of activity in political management or political campaigns, though not specifically mentioned above.

Inasmuch as the issuance of a certificate for reinstatement is discretionary with the Civil Service Commission, no certificate will be issued in any case where the party applying for reinstatement has previously resigned with a view of running for office, or with a view of indulging in a degree of political activity which would be prohibited if he had remained in the service, and who afterwards, having failed in his candidacy or having indulged in the contemplated activity, seeks reinstatement.

Political Assessments or Contributions.—The civil-service act (22 Stat., 404) provides that "no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and * * * he will not be removed or otherwise prejudiced for refusing to do so." Section 118 of the Criminal Code provides that no Federal officer or employee shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any political assessment, subscription, or contribution from any other Federal officer or employee. Section 120 of the Criminal Code prohibits the discharge, promotion, or degrading of any officer or employee for giving or failing to make any political contribution. Section 121 of the Criminal Code prohibits any Federal officer or employee from making any such political contribution to another Federal officer or employee, and section 119 prohibits the solicitation or receipt of any political contribution in any room or building occupied in the discharge of official duties by any officer or employee of the United States, or on other Federal premises by any person whatsoever, whether in the public service or not. In connection with this latter provision, the United States Supreme Court has held that a solicitation by letter or circular addressed and delivered by mail or otherwise to an officer or employee of the United States at the office or building in which he is employed in the discharge of his official duties is a solicitation within the meaning of the law, the solicitation taking place where the letter was received. Section 122 of the Criminal Code provides that whoever shall

violate any provision of the four sections above mentioned shall be fined not more than $5,000, or imprisoned not more than three years, or both.

It is the duty of the Civil Service Commission to see that the civil-service act and rules and the above-mentioned sections of the Criminal Code, which were originally enacted as a part of the civil-service act, are strictly enforced, and it will employ every legitimate and available means to secure the prosecution and punishment of persons who may violate them. The commission requests any persons having knowledge of any such violation to lay the facts before it, that it may at once take action thereon.

(13) In accordance with an Executive order issued April 8, 1912, petitions and other communications regarding public business addressed to Congress, or either House, or any committee or Member thereof, by officers or employees in the civil service of the United States shall be transmitted through the heads of their respective departments or offices, who shall forward them without delay, with such comment as they may deem requisite in the public interest. Officers and employees are strictly prohibited from attempting, either directly or indirectly, to secure legislation or to influence pending legislation, except in the manner above prescribed.

Patents.

Employees of the Department of Agriculture are prohibited from patenting for their exclusive benefit any device, process, or discovery connected with the work of the department, provided such device, process, or discovery is made at the expense of Government time or Government money, or both. When an employee makes any new and useful discovery or invention in the course of his employment he should make application for a patent through the district assistant to the solicitor.

The patent will be taken out in the name of the inventor without any expense to him, and will allow to any citizen of the United States the use of the patented article or process without payment of a royalty.

Disciplinary Measures.

Action in cases of inefficiency or misconduct are necessary in every organization. In taking action, however, it should always be kept in mind that the object is the improvement of the Service and not the infliction of punishment or a means of satisfaction for any error, injury, or inefficiency on the part of a subordinate. Generally, severe measures have no greater influence than light ones, and the policy should be to administer only such disciplinary measures as will protect and maintain the standards of the Service.

It should also be remembered that disciplinary measures will never equal in effectiveness close inspection to prevent misconduct or inefficiency, and that a warning or reprimand administered promptly will, in most cases, render more severe measures unnecessary.

Transfers.

When the conduct of a Forest officer has rendered it difficult or impossible for him to give that service which his superior has a right to demand, but which will not destroy his value to the Service in another position or on another Forest, he may be transferred. Forest officers may also be transferred at their own request because of ill health or for other personal reasons.

Suspensions.

In case of particularly flagrant misconduct by a member of the Forest force the supervisor may suspend or relieve him from duty immediately, at the same time reporting the circumstances in detail to the District Forester, with definite recommendations for action. Ordinarily, however, when occasion for suspension arises, the supervisor should report the facts to the District Forester, recommending a suspension pending further investigation or the final disposition of the case.

Demotions.

In general, an officer will be demoted only as the result of his inability to perform properly the duties of his position. In some cases, however, demotion is administered as a severe penalty for gross negligence or serious misconduct of an officer in a responsible position, where the officer's action does not destroy his usefulness to the Service.

Reprimands.

A formal written criticism or reprimand should be made for misconduct or negligence which is more reprehensible than that which can be orally reprimanded, yet not sufficiently censurable to demand a more severe form of disciplinary action.

Removal.

Removal is the extreme administrative penalty. Removal for misconduct which involves moral integrity constitutes a bar to any future employment in the classified civil service of the Government. Often it is a serious barrier to employment in private life, and for this reason should be resorted to only in the most flagrant cases. Recommendations for removal should be supported by convincing evidence and a complete history of all the circumstances which led up to it.

Enforced Resignation.

When for misconduct or inefficiency an officer has terminated his usefulness to the Forest Service, and yet does not merit removal, his resignation should be requested. If the officer refuses to resign, removal must be recommended. In making request for resignation, which should, if possible, be verbal, the superior officer should make it plain that in case the delinquent refuses to resign he must accept full responsibility for the consequences of a removal.

Appeals.

An appeal from any disciplinary measure administered to an officer may be taken by him to the District Forester, to the Forester, and to the Secretary (Reg. G. A., 4). Letters of appeal must be forwarded through the hands of the immediate superior of the officer making the appeal.

PROCEDURE.

Civil-Service Eligibles.

When appointments are required from any civil-service register, except for assistant forest ranger, the certification of eligibles will be secured from the Civil Service Commission by the District Forester through the district fiscal agent. Certificates which list all eligibles for assistant forest ranger are issued by the commission as soon as the examination papers are graded. A separate certificate is issued for each National Forest headquarters at which examination was held, and this certificate lists in the order of their ratings the eligibles who are legal residents of the State or States in which the National Forest is situated, and who took the examination at that Forest headquarters. Whenever any Forest certificate contains less than three names the selecting officer may be authorized by the District Forester to make a group of three by drawing the highest name or names from the certificate of any other Forest within the same State. In addition to the certificates for the individual Forests within the State a supplemental certificate is issued for each State, and this gives the names of all the nonresident eligibles who took the examination within the State for which the certificate is issued. This constitutes an auxiliary register, and selection will be made from it only after all the eligibles on the individual Forest certificates have been considered in accordance with the civil-service rules. The procedure in handling certificates of eligibles, for either permanent or temporary employment, as given on pages 20 to 25 of "Regulations Governing Appointments and Other Changes Affecting the Personnel in the Field Service of the Department of Agriculture," issued January 25, 1912, must be followed strictly.

When Names on Register May be Passed.

If an eligible refuses to accept three offers of employment, either on the same or on different Forests, he need not be considered further. In like manner, when an eligible has been considered in three separate groups of three, as required by the regulation, and not selected, further consideration of his name may be omitted. When it has come to the knowledge of the Forest Service since the date of the examination that an eligible was dismissed from the public service within one year next preceding the date of his application; that he is physically or mentally unfit for the position for which he applies; that he has been guilty of criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; that he intentionally made a false statement in any material fact or practiced any deception or fraud in securing examination, registration, or certification; or that he habitually uses intoxicating beverages to excess, his

name may be passed over, but in reporting on the certificate the facts substantiating the objection must be given. Preliminary notice, however, of cases of refusal to accept appointment and of elimination for unfitness will be given at once to the Forester.

Rangers Appointed for Administrative Work Only.

Recommendations for the appointment of rangers from the civil-service register will be made only when the work to be done is administrative in character, or is to continue more than six months in the year.

Ranger Eligibles for Protective Work Appointed Guards.

Men required for periods of six months or less, on protective work only, should be recommended for appointment as forest guards, whether on the eligible list or not. In recommending the appointment of guards, however, supervisors are not required to select men from the ranger register unless such men are *locally* available.

Requests for Certification.

Except for assistant forest rangers the certification of eligibles requires some time, and supervisors should anticipate their needs and request certification at least a month before the vacancy is expected to occur.

Procedure for Appointments, Changes of Grade or Assignment, and Separations.

When a supervisor wishes to recommend an appointment, promotion, reduction, acceptance of resignation, furlough, restoration from furlough, leave of absence without pay, restoration from leave of absence without pay, suspension, removal, separation, or transfer, he will submit his recommendations as memorandums to the District Forester, giving name of appointee, State of legal residence, designation, salary, roll (statutory or miscellaneous), and date effective, and, in the case of temporary employees, the period of employment. The memorandum should, whenever possible, be prepared and forwarded some time in advance of the date upon which the action should be effective. If, however, it is impracticable to forward it before the action becomes effective, it should be forwarded as soon as possible after the exact date is known. In memorandums calling for promotion, reduction, suspension, removal, and transfer the date effective should be set sufficiently far ahead to secure the Secretary's action before it becomes effective. Such memorandums, when initialed to show approval by the District Forester, will be forwarded to the district fiscal agent as the basis for recommendations to the Secretary, for the signature of the Acting Forester. The carbon of the letter of recommendation to the Secretary will be initialed by the District Forester and the district fiscal agent.

Administrative Letters.

Recommendations by the supervisor in cases involving promotion, reduction, suspension, removal, and transfer should be made in administrative letters giving all the facts.

Officers to Be Notified in Advance of Contemplated Action.

Any action toward separation, furlough, requested resignation, or removal, should be taken up in advance with the officer affected, to give him ample time to arrange his personal affairs and seek employment elsewhere.

Removals and Reductions.

Removals or reductions may be made for any cause which will promote the efficiency of the Service, but like penalties must be imposed for like offenses, and no discrimination for political or religious reasons is permitted. A person in the competitive service whose removal is proposed must be furnished with a statement of reasons and be allowed sufficient time for answering such reasons in writing; but no examination of witnesses nor any trial or hearing is required except in the discretion of the Secretary of Agriculture. The recommendation for removal or reduction must be accompanied by all the supporting evidence and correspondence, in duplicate, except when a reduction in grade or compensation is made for administrative reasons and not because of misconduct or delinquency. In such case the employee must be furnished in advance with a statement of the reasons for the reduction. Copies of this statement, in duplicate, should accompany the recommendation, which should contain a concise statement of the reasons. If removal during the probational

period or termination of appointment at the end of this period is proposed, the probationer must be notified in writing that his conduct or capacity is not satisfactory, with a full statement of reasons, and this notice will terminate his services. Copies of this statement, in duplicate, should accompany the recommendation, which should contain a concise statement of the reasons.

Time Limit to Suspension Pending Disciplinary Action.

Pending action looking to removal or reduction for misconduct or delinquency, a member of the Service may be suspended or temporarily removed for a period not to exceed 90 days, but the reasons for such suspension or temporary removal must be furnished the member and must be given in the recommendation to the Secretary of Agriculture. Copies of the statement of reasons, in duplicate, should accompany the recommendation. If the member is charged with Government property, approval of his salary and reimbursement vouchers should be withheld until the property accountability has been satisfactorily settled.

Letters Recommending Personnel Changes.

Letters of recommendation to the Secretary of Agriculture, for the signature of the Acting Forester, should be prepared with black record ribbon, with three carbon copies. The original recommendation and two carbon copies will be sent to Washington, and the third carbon held by the district fiscal agent in a waiting file. If any change is made in the recommendation as submitted, a carbon copy showing the change will be sent to the district fiscal agent. If, however, the letter is signed as submitted, a carbon copy stamped with the signature of the Acting Forester will be returned to the district fiscal agent for substitution for the waiting-file carbon, which will then be destroyed.

Recommendations should always be written on letter paper headed: "United States Department of Agriculture, Forest Service." In every case these letters should be prepared without date.

Care in Giving Names.

Names must be correctly given in recommendations, and not nicknames or slang names. Care must be taken to give the name in a recommendation for appointment exactly as it appears on the certificate of the Civil Service Commission. In the case of guards, the first name, middle initial or initials, and surname in full should be given.

COMPENSATION FOR INJURIES.

By an act of Congress approved March 11, 1912, the provisions of the act of May 30, 1908, which grants to certain classes of employees of the Government engaged in hazardous employment the right to receive from it compensation for injuries received in the course of their employment, were extended to include the Forest Service. The compensation which can be given under this act is limited to one year's salary payable to men incapacitated for that period, or to dependent relatives in case of death which results from such injuries before the expiration of the year; when the complete disability continues for a period less than one year, it is limited to such period at the yearly rate.

The Department of Commerce and Labor, which has charge of the administration of this statute, has issued complete instructions governing the procedure to be followed by employees desiring to take advantage of its provisions. These instructions are furnished to every supervisor.

CHANGES IN REGULATIONS AND INSTRUCTIONS.

Issued from Washington.

Notice of changes in the regulations or instructions will be published as amendments to the National Forest Manual.

As it becomes necessary to modify and add to the National Forest Manual, successive changes or additions will be printed separately, as amendments, on pages of identical size and type with the Manual. Each amendment to the regulations will be given a serial number, beginning with "Amendment No. 1, Regulations," and each amendment to the instructions will be give a serial number beginning with "Amendment No. 101, Instructions." In addition to the serial number, each amendment will indicate the part and page of the Manual to which it relates.

Each Forest officer whose duties require him to be familiar with the entire Manual will be expected to keep one set of the Manual, to be plainly marked "File Copy," in which must be entered marginally, on the page designated by each amendment, the serial numbers of the amendments as they are issued. He will also keep a file of all amendments in their serial order. When a new amendment is received its number should first be entered on the margin of the designated page of the file copy, and the amendment should then be filed, care being taken to see that the amendment of the immediately preceding serial number is in the file. If the immediately preceding amendment is not found in the file the Forest officer should at once take the steps necessary to obtain it. File copies of the National Forest Manual and files of the amendments will be subject to inspection to see that they are kept up.

When a new ranger is appointed he will be furnished with a set of the National Forest Manual and a set of all amendments issued to date, and will be expected to make the necessary annotations of the set to form his file copy.

Issued from District Office.

When a District Forester finds it necessary to issue instructions (not simply explanatory) under existing regulations to all officers on National Forests in his district, he will, when practicable, submit them to the Forester for publication as a change in the National Forest Manual. When the delay would interfere with the object of the instructions, or when their scope is limited to district business, or if they are simply explanatory, the District Forester will issue a circular letter to all supervisors in his district. Copies will be sent to the Forester. Copies will be sent also to each District Forester, except when the character of the instructions is strictly routine or when the letter is issued as the result of general instructions from the Forester.

OFFICIAL CORRESPONDENCE.

CLASSIFICATION.

Washington Office.

The correspondence of the Washington office will comprise departmental, Service, branch, and office correspondence.

Departmental Correspondence.

The following classes of correspondence will be prepared for the signature of the Secretary of Agriculture: Letters to the heads of other executive departments, and answers to letters referred to the Forester by the chief clerk of the department with instructions to prepare answers for the signature of the Secretary.

Service Correspondence.

The following classes of correspondence will be signed by the Forester: Letters to the Secretary of Agriculture (except recommendations for appointments, changes in salary status of the personnel, and the certification of civil-service eligibles, which may be signed by the Associate Forester as Acting Forester); letters to the chiefs of other bureaus in the Department of Agriculture; letters involving matters of policy affecting the Service as a whole; letters which, in the judgment of the assistant foresters, are of sufficient importance to require the signature of the Forester; and letters making allotments to branches and districts.

Branch Correspondence.

The following classes of correspondence will be signed by the Assistant Foresters: Instructions to District Foresters on branch matters; letters dealing with matters of policy affecting the branch but not the Service as a whole; letters involving more than one office of the branch.

Office Correspondence.

Chiefs of office will sign correspondence not included under departmental, Service, or branch correspondence.

District Office.

The correspondence of district offices will comprise departmental, Service, district, and office correspondence.

Departmental and Service Correspondence.

Departmental and Service correspondence will comprise the classes specified under these headings for the Washington office.

Whenever possible, the District Forester will submit letters for the signature of the Secretary or the Forester and not merely furnish statements to serve as the basis for the preparation of letters in Washington. All papers necessary for a complete understanding of the case will accompany such letters.

District Correspondence.

The following classes of correspondence will be signed by the District Forester: Letters to the Forester; letters to other District Foresters; letters materially affecting the standing of any Forest officer; letters of allotment and authorization; letters dealing with matters affecting the district as a whole; and circular letters to supervisors necessitating additions to the field force. When dealing entirely with one line of work, these may be signed by the assistant district forester with the approval of the District Forester. District Foresters will sign letters to officers of the executive departments who are not in Washington, provided such correspondence does not deal with matters of general policy, when to correspond through Washington would seriously delay action.

Requests for status may be signed by the assistant district forester in charge of the office requiring it as acting district forester.

The assistant district foresters in charge of offices will sign correspondence handled in their respective offices not included above.

Supply Depot and Property Audit Correspondence.

Correspondence relating to requisitions for and shipments of supplies will be carried on directly with the property clerk. Correspondence relating to the actual settlement of property accounts will be carried on with the property auditor, Ogden, Utah.

SIGNING.

Prompt Action Required.

Neither in Washington nor in the district or supervisors' offices must the absence of any officer interfere with action upon correspondence. Even when final action can not be taken at once, the letter should be acknowledged immediately and the correspondent informed of the date upon which action will be taken.

Each member who prepares letters will keep a basket on top of his desk, in which only unanswered letters or other matters needing immediate attention will be placed. Unanswered letters or other papers dealing with unfinished current business must not be kept in drawers or pigeonholes. Important papers will be safely put away at the close of each day.

Washington Office.

Letters to District Foresters will be signed only by administrative officers of the Forest Service. Letters to the public will be signed by members in Washington below the rank of assistant chief of office or of administrative assistant only when authorized by the chief of branch concerned, and then only as acting chief of office.

District Offices—Details as Acting District Forester.

In the absence of the District Forester, district correspondence will be signed by a designated assistant district forester as acting district forester.

No member of the district office below the rank of assistant district forester will sign official mail, except under the authority of the District Forester, and then only as acting assistant district forester.

Supervisors' Offices.

In the absence of the supervisor, the deputy supervisor will, as a general rule, sign as acting supervisor. If both the supervisor and deputy supervisor are absent, the supervisor will detail, in writing, a member of the Forest force to serve as acting supervisor, who will handle all business of the office, with the exception of important matters, which he should hold until the supervisor's return. No Forest correspondence will be signed by the member of the Forest force "for the supervisor" or "per" the member's own name or initials.

Clerks Seldom Acting Supervisor.

It may be necessary for an acting supervisor to approve important papers which may be required as evidence. It is important, therefore, that the

approving officer be entirely competent to pass on their correctness. For this reason the practice of authorizing a clerk to sign as acting supervisor should be discouraged. Forest clerks who are thoroughly competent may, however, in the absence of the supervisors, act on and answer routine mail.

DISTRIBUTION.

Duties of Mail Clerk.

The mail clerk will open and refer to branches and offices in Washington, and to offices and sections in district offices, by dating stamp, all letters and telegrams except those obviously personal and those addressed to the district fiscal agent and to the district assistant to the solicitor, which will be delivered unopened. Telegrams will always be referred by messenger as soon as they are received. In each branch and office one person will be designated by the chief to whom incoming mail will be delivered.

All incoming mail, no matter where it is received, will be stamped to show date of receipt. Letters, maps, or papers which have any bearing on applications of any kind must on no account fail to show the date received.

References to Other Offices and Districts.

When a letter pertains to the work of an office other than that to which it has been referred the clerk charged with the receipt of mail will refer it, by rubber stamp, to the right destination. If the reference is to a district, notice of such reference will be given to the writer by postal card (Form 41 or 42). If, however, it is necessary to reply by letter to a letter which is to be referred from Washington to a district, an extra carbon, together with the letter acknowledged, will be sent to the District Forester stamped "Action required" or "For information," as may be appropriate.

Reference to Other Departments and Bureaus.

The reference of routine communications which require attention in other bureaus or divisions of the Department of Agriculture or in the General Land Office or in the Geological Survey will be made by rubber stamp, the blank space in the stamp to be filled in with pen. Such routine communications will be referred to the appropriate bureau or division, and not to any person by name. When such referred communications require comment or explanation, the reference will be made by letter addressed to the chief and signed by the Forester.

With the exceptions noted above, the reference of routine communications for attention in executive departments other than the Department of Agriculture will be made by indorsement prepared for the signature of the Secretary of Agriculture and addressed to the secretary of the executive department concerned.

Letters on Law Matters.

Letters requiring answers which involve interpretations of the law or the discussion of legal requirements or procedure should be merely acknowledged in the appropriate office and referred to the Solicitor of the department for answer. In letters pertaining to Service matters, but incidentally involving questions of law, the Service portion should be answered and extracts of the portions pertaining to law should be forwarded to the Solicitor.

FORM OF CORRESPONDENCE.

WASHINGTON AND DISTRICT OFFICES.

Spacing.

All letters will be doubled spaced, except for quotations, which will be single spaced.

Neatness.

No soiled or rubbed letter will be signed nor any letter in which corrections are carelessly made.

Copying Ribbon—Record Ribbon.

Purple copying ribbon will be used for letters prepared for the signature of the Secretary of Agriculture. The ribbon should be changed often enough to insure good press copies. All other letters will be written with black record ribbon.

Margin.

Letters should have a margin of approximately 1 inch on each side of the page.

Legal Documents.

All legal documents will be written on letter-size paper.

Numbering Pages—Initialing Pages.

The pages of all letters and documents, except those of only one page, will be numbered at the bottom of the page, in the middle. To give space for the number, the last line on the page should be at least three-quarters of an inch from the bottom. When a letter is more than one page, all pages except the first will bear the initials of the person addressed, on the left side in a separate line at the top, triple spaced above the body of the letter.

Paper.

Correspondence and final reports will be written on white paper, and all memorandums and scratch copies, even though typewritten, on yellow paper.

Date.

The date should be half an inch below the lowest printed line on the letterhead. The month should not be abbreviated. Figures alone should be used for the day, as "March 30."

The date will be omitted in letters prepared in the Washington office for the signature of the Secretary of Agriculture until after such letters are initialed by the Forester, but will be inserted before the letters are forwarded to the Secretary for signature. The date will be omitted in letters prepared in district offices for the signature of the Secretary or of the Forester, and will be inserted on the letters and the accompanying carbons in the Washington office.

Address.

The name and address should be double spaced when they require but two lines, and single spaced if more than two.

Special care will be taken to prefix the correct title, either official or honorary.

Ordinarily Government officials, including officers of the Forest Service, will be addressed by their official titles only. The titles will be omitted from letters written to members of the Service by name.

Salutation.

"Dear Sir" should ordinarily be used, unless the letter answered has a more intimate form of salutation. Only in very formal letters should "Sir" be used. Titles should be written out.

Complimentary Close.

With "Sir" use "Very respectfully"; with "Dear sir", "Very truly yours"; with "Dear Mr. ———", or "My dear Mr. ———", "Very sincerely yours."

Language—Brevity.

Use direct, clear-cut language. Avoid odd or lengthy words when shorter, simpler ones will express the idea. Be concise but courteous. Avoid laborious statements, the essence of which might well be expressed in half the space. Very few letters need be longer than one page.

Avoid Preambles.

Never use the substance of the letter received as a preamble to the reply. Unless the letter to be answered has already been acknowledged and further reference to its subject matter is necessary, its contents should not be indicated in the initial sentence. Reference must always be made, however, to file numbers or initials for identification.

Form of Acknowledgment—Reference to Key Initials.

For acknowledgments or replies to the public, the initial sentence should usually be in this form: "Your letter of March 30 is received." In correspondence between the various officers of the Service reference should also be made to the key initials on the letter answered, including the case or subject designation if its designation differs from the one to be used in reply.

Courtesy.

The phrase "you will" should not be used in giving orders or instructions. It is peremptory without adding force, and a friendlier tone is more courteous and fully as effective.

Severity.

Severity of expression will be avoided in conveying reprimands in correspondence.

Impersonal Tone.

So far as practicable, letters should be impersonal in expression.

Punctuation.

It should be borne in mind that the purpose of punctuation is a clear understanding of the text by the reader. Too little punctuation is almost as bad as too much.

Promises.

When a promise is made, do not use such indefinite phrases as "within a few days," "before long." Specify the date upon which action will be taken, or, in the rare cases when that is impossible, give the approximate date, as "not later than ———."

Letters of Identical Instructions.

Letters of identical instructions from the Washington office to the six district foresters will not be typewritten six times in order to furnish each District Forester with an original addressed to him individually, but such letters will be addressed simply "District Forester," and the necessary number of carbons will be marked at the top "ORIGINAL." It will be understood that a thin paper carbon copy of a letter from Washington, *when thus marked*, so far from being less important than the ordinary letter, is a letter of exceptional importance, since it contains instructions for all the districts, and must be treated as such by the district foresters. Such letters will bear the original signatures of the administrative officers who send them.

NATIONAL FOREST OFFICES.

Supervisors' Offices.

Wherever they will apply to the business conducted by the supervisor the foregoing general instructions will be followed in the preparation and handling of his correspondence.

The following additional rules will govern:

Never write a letter of transmittal in forwarding any document unless some explanation about it is needed. Indorse the document "Respectfully forwarded to the District Forester," sign, and forward it with the recommendation, if any is required, to the District Forester.

Supervisors will conduct all their correspondence in typewriting, except when away from their offices. Machines will be furnished upon requisition.

Letters and reports of subordinates transmitted by a supervisor to the District Forester must be originals, not copies made by the supervisor. The supervisor will keep copies when needed for his own records or, when necessary, request the return of the originals.

Rangers' Correspondence.

Unless a ranger is equipped with a typewriter all rangers' letters will be written in ink or indelible pencil, and on only one side of the sheet. The subject designation for supervisors' letters will be followed by the rangers. Correspondence with the public should be through the supervisor's office, but if it is essential to the prompt dispatch of business for the ranger to correspond directly with a user he will do so. A carbon copy will be kept of each letter and telegram written by a ranger.

RECORD OF PROMISES.

The Promise-Card Box.

Record of all promises involving future action will be kept in all permanent headquarters.

Except in rangers' headquarters, where the records will be kept on desk calendars, the equipment will consist of a standard promise-card box, daily and monthly guide cards, 3 by 5 inches, and plain white cards, 3 by 5 inches.

A promise will always be recorded at the time it is made. The date of fulfillment will be written on the first line of the promise card, and any change which may later become necessary should be entered on the same line. Below the date will be written the name of the person to whom the promise is made or who is otherwise concerned. The card will be dated in the lower left-

hand corner. Every card will contain a memorandum or reference of sufficient definiteness to give a clear understanding of the promised action to anyone who may be required to complete it.

If the promise can not be fulfilled on the designated date, the person to whom it was made will be so informed, and the card will be re-dated for action and changed to the time guide for the new date.

When the action promised is long in advance or dependent upon contingencies not yet developed, it will be found useful to file the card so that it falls due at short intervals until the promise is fulfilled.

If when the promise is fulfilled no letter is required, the card will be checked and filed with the papers pertaining to the case; but if the record is completed by the filing of a carbon the card will be destroyed.

Follow-Up System.

The same equipment will be used to follow up action requested, and the follow-up cards will be prepared and filed in the same way as promise cards.

Requests to Field Officers.

To follow up requests to field officers for reports or action a white postal card (Form 326) and three yellow slips, 3 by 5 inches, will be used.

The date, case heading or subject, and key initials of the office will be entered on the slips and card by carbon duplication and the card forwarded to the supervisor with the request for report or action.

One slip will be filed in the office promise-card box two weeks ahead, as a reminder, the other two will be sent with the card to the supervisor. He will place the card and one slip in his promise-card box and send the other to the ranger concerned.

The ranger will enter the date on which work will reach the supervisor and return the slip. The supervisor will place this slip in his box as a promise from the ranger, destroy the other slip, enter on the card the date on which he will take the action required, and sign and mail the card as a post card to the District Forester.

The reminder slip will be destroyed in the district office and the card filed under the date given by the supervisor.

CARBONS.

Carbon copies will constitute the only record of outgoing correspondence. One carbon of every outgoing letter and telegram will always be kept in the office files.

Each letter written in the district office for the signature of the Secretary or the Forester will be prepared with three carbon copies. Two will be sent to Washington with the letter for signature and the other held in a waiting file by the file clerk. After the letter is signed the signature will be stamped on both carbons, one carbon filed in the Washington office and the other returned to the district office, where the carbon in the waiting file will be destroyed.

Carbons Mailed for Information.

Every letter written to a District Forester which concerns the business of a particular Forest or refers to any specific case will be accompanied by a carbon copy for transmittal to the supervisor, with such supplemental remarks or instructions as the District Forester may wish to add.

A carbon copy of every letter written in the Washington office to any person outside of the Service which concerns business in a district will be mailed to the District Forester. In case it refers to business on a particular Forest two copies will be sent, one for the district files and the other for transmittal to the supervisor.

Supervisors should always be sent copies of letters written in the district office which concern their Forests. Whenever a letter written by the District Forester to a supervisor concerns a ranger's work an extra carbon will be made for the ranger.

Instructions in Carbons.

Great care must be taken in all correspondence to avoid writing a separate letter when a carbon copy would suffice. Since carbons received in this way may contain important instructions, the recipients should always read them carefully.

Carbons to Secure Approval of Recommended Action.

When a request is made by the District Forester for the approval of contemplated action by the Forester or the Secretary, an approval space as follows should be provided in the lower left-hand corner of the letter:

(Date) ————, 19—.

Approved:

———— ————,

Secretary (or Forester).

Two carbons should be made—one to accompany the original letter to Washington and one to be retained in the waiting file in the district office until the return of the carbon showing the action of the approving officer.

INITIALING.

Every Document Must Be Dated and Initialed or Signed.

Absolutely, without exception, every statement, memorandum, map, or document of any kind will be initialed or signed for authorship, and dated.

Washington and District Offices.

When a letter is of more than one page, all initialing will be on the first page of the file carbon. Carbons should never be filed unless they bear the stamped signature or the written initials of the chief of the branch or office in which filed.

Signatures will not be stamped on carbons until letters are ready for mailing. The stamping of the signature will be a certificate that the letter has actually been mailed.

Letters will not be initialed on the original, except that letters for the signature of the Secretary will be initialed by the Forester in the upper left-hand corner of the first page. The carbons of letters written for the signature of the Forester will be initialed by the author in the lower left-hand corner. Above the initials of the author will appear the initials of the chief of the office in which the letter was prepared and of the chief of branch or District Forester, in the order given. Initialing for authorship will be omitted if the signer has dictated the letter himself.

Letters Affecting More than One Branch.

When a letter or document prepared in one branch is of interest to another branch it should be initialed by the chief of the latter to signify his concurrence or to fix his responsibility for carrying out proposed work which falls to him.

Stenographer's Initials—Initialing for Inclosures or Promised Action.

The stenographer will stamp his initials in the lower right-hand corner of each carbon. If the letter contains inclosures, or if future action is promised, the stenographer will stamp his initials twice, as a guaranty that the inclosures have been prepared, or that the action promised has been noted. When the action can not be taken immediately, a promise card will be prepared, to be retained by the stenographer, or given to any other person responsible for taking the action promised. When a letter entails typewriting by one stenographer and the preparation of inclosures or other action by another, the initials of both stenographers will be stamped in the lower right-hand corner of the carbon.

When the signer makes any changes with the pen, in a letter of which he is not the author, he will return the letter to the author in order that the changes may be noted and entered on the carbon, before the letter is sent to the mail clerk for mailing.

Carbon copies of signed letters sent as instructions or merely for information will bear no initialing, but will be exact duplicates of the original letters and not of the file carbons.

In approving memorandums, requisitions, and other office papers only initials will be affixed.

Letters prepared in the supervisor's office will follow the same routine in regard to preparation, form, inclosures, initialing, and dating as prescribed for the district office.

TELEGRAMS.

The procedure for correspondence applies equally to telegrams. The following general rules should be carefully observed: The telegraph should be used only when the delay in using the mail would be injurious to the public interests. Omit all unnecessary words. In a message from one official or employee to

another titles should not be used. In a great many cases names of both address and signature may be limited to single words. Numbers should be expressed in words. Ordinal numbers must not be abbreviated. "Night" messages should be used when practicable.

Since in official telegrams the address and signature are paid for as part of the message, the following abbreviated addresses will be used:

To Washington Office:
Forester, Washington, D. C.
To district offices:
Forestry, San Francisco, Cal.
To Madison Laboratory:
Forestry, Madison, Wis.
To property clerk or auditor:
Smith, Forestry, Ogden, Utah; or Falck, Forestry, Ogden, Utah.
To supervisors:
Forestry, Prescott, Ariz.

All officers in charge of permanent field headquarters will register their telegraph addresses with the Postal and Western Union Telegraph companies. The supervisors will inform the District Forester by mail of any change in the address registered.

In telegrams only the first word of the message and proper names will be capitalized, and punctuation will not be used. Serious errors in telegrams received make this rule necessary. Telegrams should be signed with the last name only.

Unsigned telegrams will under no circumstances be placed in the messenger's basket, but will be sent by messenger for initialing or signature. The messenger will in every case find the person or persons whose initials or signature is required, if in the building, and if out of the building will at once report to the person by whom the telegram was prepared. In the Washington office day telegrams when signed will be delivered to the telephone room for forwarding. In district offices outgoing day telegrams will be delivered to the mail clerk. In both the Washington and district offices all outgoing night telegrams will be delivered to the mail clerk and sent at the close of the day. When a telegram is written at or near the close of office hours the person by whom it is prepared will make sure that it is signed and sent before leaving for the day.

The file designation will be placed on the file carbon of each telegram.

Supervisor's Office.

Whenever a supervisor leaves his headquarters with no one in charge, he should notify his telegraph office of the place where he can be reached by mail when not in direct telegraphic communication. Supervisors need not hesitate to use the wire when important matters demanding quick action arise, but they must make all telegrams as brief as possible.

MAILING.

Washington Office.

In branches which have clerks specially assigned as mailing clerks, messengers will deliver signed letters, with accompanying papers, directly to such clerks, who will be responsible for all mailing from the branch. In branches and offices without specially assigned mailing clerks, signed letters will be returned to the stenographers for mailing.

Letters to District Foresters will be mailed from Washington in envelopes with printed addresses.

District Offices.

In district offices the messengers will deliver signed letters, with accompanying papers, directly to the mail clerk. Letters to the Forester and to the forest supervisors will be mailed in envelopes with printed addresses.

Envelopes with printed addresses should be used whenever the volume of correspondence with any addressee justifies it.

Envelopes for correspondence sent to the Forester, the district foresters, or the forest supervisors, will be kept open until the end of the official day, when they will be sealed and mailed.

Supervisors' Offices.

All letters written to the District Forester on the same day will be mailed in one envelope. A special desk basket will be set apart in which all mail

intended for the district office will be deposited, with inclosures securely attached to letters. At the close of the day the letter, without being folded, will be placed in a large envelope and mailed. Printed envelopes will be furnished on requisition. When the day's mail consists of but one letter, however, the letter should be folded and mailed in an envelope of the ordinary size. Vouchers will not be inclosed with other mail.

ENVELOPES AND INCLOSURES.

The stenographer will address envelopes for all letters except those to the Forester, to a District Forester, or to a Forest Supervisor (see Mailing) before submitting the letters for initialing or signature.

The stenographer will place in the envelope the inclosures which are to accompany the letters to be returned to the stenographer for mailing. When the mailing is to be done by another clerk the inclosures will be securely clipped behind the letter for signature.

The stenographer will not initial for inclosures until the inclosure has been actually made or action taken as above; nor will he initial as a token that other action promised in the letter has been performed until its performance has taken place or the necessary steps for its performance have been taken, as prescribed under "Carbons" and "Initialing."

When a document to be inclosed by the stenographer is of such a character that to withhold the letter from signature until the inclosure has actually been made would cause delay in mailing, the stenographer will initial in the manner prescribed under "Initialing," and attach by clip a blue card to the addressed envelope as a reminder that the inclosure has not yet been made. This procedure will likewise be followed when a document to be inclosed is submitted with the letter for the information of the signer.

Identification of Material Mailed Separately.

When it is necessary to mail under separate cover maps or publications referred to in correspondence, a slip of paper bearing the designation and date of the letter written will be attached to the material. In case such material is mailed without a letter of transmittal, it must in every case be accompanied by a slip of paper bearing the key initials of the branch or office in Washington or the office or section in the district office for which it is intended.

FILING.

Washington Office.

The correspondence files of the branches and offices in Washington may be assembled in branch file rooms or located in the individual offices, as may be most conducive to efficiency.

District Office.

In like manner the District Forester may, in his discretion, maintain a central file room in which all records of the district office will be assembled, or he may maintain separate files in offices or sections.

Description of Files.

The files will be maintained upon a subjective classification arranged on a self-indexing basis. No card record of filed correspondence will be made.

The complete subjective classification, with illustrations of the subject designations to be used in the Washington, district, and supervisors' offices, is given in a mimeographed circular headed "Subject designations and filing system." This classification must not be varied in the district and supervisors' offices without authority from the Forester.

Each branch and office file will consist of two general sections:

(1) A classified section, in which will be filed, behind appropriate guides, all correspondence which bears a subject designation expressed in words (e. g., F., Personnel, Jones, J. H.).

(2) A miscellaneous section, in which will be filed alphabetically, without regard to Forests or subjects, all correspondence bearing as a designation the letter Z after the branch or office key initial or initials (e. g., FZ, DZ, OOZ).

Correspondence which bears neither the letter Z nor a subject designation will be returned, with accompanying papers, to the office in which it originated for the proper filing designation.

All correspondence will be filed flat in vertical filing drawers, except where branches and offices in Washington now use for alphabetic files furniture which

is especially designed for horizontal and not vertical filing. No new furniture designed for horizontal filing will be purchased.

As correspondence is received for filing the file clerk will fasten the carbon to the answered letter. When the carbon is not accompanied by an answered letter, its pages will be fastened together as a unit for filing.

In the miscellaneous section, when names of correspondents begin with the same letter, alphabetical filing will be by the spelling of the surnames, as Jenkins, Johnson, Jones. When correspondence from two or more persons of the same surname is filed together, it will be filed alphabetically by the initials of the given names, as A. Jones, H. Jones, W. Jones. If the initials are also the same, the spelling of the first name will be the guide to the filing, as Albert Jones, Alfred Jones, Arthur Jones. Correspondence filed under the same name will be filed chronologically, with the most recent letter on top. Correspondence with members of the Forest Service, with members of other bureaus, and with State officials will be filed under the name of the office of the correspondent, and not under his name or title. Correspondence with officials of firms, associations, and other private organizations will be filed by the name of the writer when the letter does not relate to the business of the organization.

Circular Letters.

Circular letters will be filed as other correspondence.

Cross Reference.

Cross references will be made whenever they will be of assistance in locating papers or correspondence. For example, Jones may write regarding the Smith timber sale. In that event Jones's letter and a carbon of the answer will be filed in the folder of the Smith timber sale. An extra carbon of the answer will be filed alphabetically as a cross reference in the miscellaneous section. The typewritten subject designation on the cross reference carbon should be crossed out with pencil and the appropriate Z designation substituted before filing. In case no answer is made to the Jones letter, a sheet of yellow paper bearing the name of Jones and the subject designation under which his letter has been filed will be filed under "Jones" in the miscellaneous section.

As an additional safeguard against failure to date maps, statements, or memorandums prepared in the Forest Service, file clerks must see to it that no paper without date and initialing or signature is filed.

If they wish, supervisors may insert behind the miscellaneous section a guide marked "Applications for positions," with either a single folder or an additional A to Z file, as may be required by the volume of business.

Rangers' Files.

Each ranger will be supplied with such standard filing equipment as, in the judgment of the supervisor, his business warrants. After receiving instructions from the supervisor on the method of keeping his files he will be held responsible for the completeness and correctness of his files.

Rangers' Record.

All records and notes of ranger district business should be considered as official, and rangers should keep them in such shape that they can be turned over to a successor as part of the regular official records of the district.

TRANSFERRING.

Washington, District, and Supervisors' Offices.

Correspondence filed vertically in the miscellaneous section will be transferred periodically, with the accompanying alphabetical guide cards, to wooden transfer units of the same size as the drawers used for the current file. The entire file from A to Z will be transferred. Correspondence filed alphabetically in the horizontal filing drawers in the Washington office will be transferred as drawers are filled.

Correspondence filed in the classified section under designated subjects, but not under designated transactions, will be transferred periodically, with the accompanying guide cards and folders, to wooden transfer units and new guide cards inserted in the current files.

Correspondence in designated transactions will be transferred as the transactions are closed, with the inclosing folders, to wooden transfer units labeled "Closed file." The folders will be arranged in the closed file in the same relative order as in the current file.

Transfer units for the miscellaneous section will be labeled with the appropriate letters of the alphabet and with the inclusive dates.

Transfer units for correspondence under designated subjects, but not under designated transactions, will be labeled with the appropriate designation and the inclusive dates.

Transfer units for correspondence under designated transactions will be labeled with the appropriate designation, and, when the transferred folders fill more than one unit in a single class of transactions, with the inclusive letters in the alphabetical arrangement of the folders.

BOUNDARIES.

GENERAL.

Creation by President Authorized by Act of Congress.

The act of March 3, 1891 (26 Stat., 1095), provides:

> SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

The act of June 4, 1897 (30 Stat., 11), authorizes the President to revoke or suspend any proclamation or to reduce the area or change the boundary lines of such forests. The act further provides that the reservations—

> * * * shall be as far as practicable controlled and administered in accordance with the following provisions:
>
> No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Under date of February 7, 1910, the Secretary of the Interior and the Secretary of Agriculture submitted a joint letter to the President, which was approved by him, defining more fully the character of lands contemplated by the two acts above referred to, as follows:

> 1. Lands wholly or in part covered with brush or other undergrowth which protects streamflow or checks erosion on the watershed of any stream important to irrigation or to the water supply of any city, town, or community, or open lands on which trees may be grown, should be retained within the National Forests, unless their permanent value under cultivation is greater than their value as a protective forest.
>
> 2. Lands wholly or in part covered with timber or undergrowth, or cut-over lands which are more valuable for the production of trees than for agricultural crops, and lands densely stocked with young trees having a prospective value greater than the value of the land for agricultural purposes, should be retained within the National Forests.
>
> 3. Lands not either wholly or in part covered with timber or undergrowth, which are located above timber line within the Forest boundary or in small bodies scattered through the Forest, making elimination impracticable, or limited areas which are necessarily included for a proper administrative boundary line, should be retained within the National Forests.
>
> 4. Lands not either wholly or in part covered with timber or undergrowth, except as provided for in the preceding paragraphs, upon which it is not expected to grow trees, should be eliminated from the National Forests.

Creation Restricted in Six States.

In an amendment to the agricultural appropriation bill approved March 4, 1907 (34 Stat., 1256), it is provided that "hereafter no forest reserve shall be

created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress." The power of the President to create or enlarge National Forests in other States and in the Territories remains unaffected by this act.

Temporary Withdrawals.

Temporary withdrawals of land from entry may be made by the President under the act of June 25, 1910 (36 Stat., 847), when the creation of new Forests or additions is contemplated and a withdrawal is deemed necessary. Such withdrawals can not be made within the States of Colorado, Idaho, Montana, Oregon, Washington, or Wyoming, unless there is pending legislation which proposes the inclusion of the areas within a National Forest.

National Monuments.

The act of June 8, 1906 (34 Stat., 225), provides for the protection of objects of historic and scientific interest on lands controlled by the Government, and authorizes the President to create, by proclamation, national monuments for their preservation. The act also authorizes the Secretary of the Interior, on behalf of the United States, to accept deeds of gift of privately owned land containing such objects.

What May Be Included.

When a national monument is created within a National Forest, it is under the jurisdiction of the Forest Service. The objects which may properly be recommended for reservation under this act are cliff dwellings, pueblo ruins, ancient rock paintings, unique topographic or geologic features, historic landmarks, and groves of rare trees in danger of destruction.

Cooperation in Selection.

The Forest Service will cooperate, when necessary, with the Bureau of American Ethnology of the Smithsonian Institution in protecting and securing information regarding objects of historic and scientific interest located on or near the borders of National Forests.

Not to Be Listed to Homesteaders.

No lands containing such object will be listed under the Forest-homestead act.

BOUNDARY CHANGES.

Policy—Additions and Eliminations.

Although boundary questions as a whole may be considered as fairly well settled in so far as the addition or elimination of large areas is involved, yet it is safe to assume that only in a few exceptional cases are the boundary lines definitely and finally located exactly where they can be said to include only such lands as will for all time be classed as chiefly valuable for timber growing and watershed protection purposes and to exclude all lands, with the exception of such small areas as must be retained for administrative reasons, as may for all time be classed as chiefly valuable for agriculture, mining, grazing, or other uses. As the population increases and the demand, not only upon the timber and the water resources of the National Forests, but also for lands for other uses, principally agriculture, becomes more intensive and lands of all classes acquire correspondingly higher values, it will become necessary to draw the lines more and more closely between those lands chiefly valuable for forest purposes and those lands chiefly valuable for other purposes, which it is the intent of Congress should not be withheld from private settlement and development. In the future, therefore, boundary questions concerning additions to and eliminations from National Forests, while having to do with much smaller areas than in the past, will be more difficult to determine and will involve much closer and more careful investigation of all the factors involved, many of which will be of a highly technical nature. The classification of lands within the National Forests in order to determine the comparative values and the highest use to which they may be put should consequently become increasingly more intensive, in order that the recommendations submitted may be well founded.

Inter-Forest Boundaries.

Boundaries between adjoining Forests will generally be upon topographic lines, although legal subdivisions may be followed. They will be determined after a

careful consideration of the convenience of the users, and of the suitability of the proposed boundary from the point of view of, economy in and efficiency of, administration.

STATE SCHOOL LANDS—EXCHANGE.

In furtherance of the indemnity rights of the several States under the provisions of section 2275 of the Revised Statutes of the United States, as modified by the act of February 28, 1891, cooperative agreements may be, and in several instances have been, entered into between the Department of Agriculture and the State, for the exchange of school lands within the National Forests for solid blocks of land of equal acreage and value along the borders of Forests.

TOWN SITES.

Lands in National Forests embraced in valid town-site settlements, made before the withdrawal of the land and creation of the Forests, may, unless abandoned, be entered and patented under the town-site laws, without regard to the period which has elapsed after their settlement or after the establishment of the Forest, and without the necessity of eliminating the town-site area from the Forest.

When it is desired to establish a town site on lands within a National Forest, a petition should be addressed to the District Forester. An investigation will be made under his direction to ascertain if it is necessary and advisable to use such lands for town-site purposes. If approved an Executive order to exclude the lands may be issued to enable the applicants to proceed under the town-site laws and the regulations of the Department of the Interior.

PROCEDURE.

SUPERVISORS PROCEDURE.

Examinations.

The examination of Forest boundaries will be undertaken by direction of the District Forester under the instruction of the supervisor in charge of the Forest concerned or, in the case of a new area, under the supervisor of the nearest Forest.

Extent of Examinations.

The examinations should not be confined strictly to the area described in letters of instruction, but must embrace all lands in the locality which are suited to National Forest purposes. The examiner will be held responsible for covering thoroughly all lands in the section to which he is assigned.

Data Necessary.

Before beginning field work the examiner should be in possession of sufficiently detailed geographic and alienated land data to enable him definitely to locate proposed boundaries and to determine in the field the title of the land.

Field Work and Survey.

The accuracy of the survey that will be necessary will depend upon the value of the land involved. If scattered additions are contemplated in heavily timbered country it may be necessary to locate and cruise each forty; on the other hand, if it is simply a question of the addition or elimination of a strip of land whose general character is known a much less detailed survey will ordinarily be sufficient. In every case, however, it is essential that the examiner know exactly where he is at all times in relation to the corners and lines of the public land survey. To be sure of this, work with the compass may be necessary.

Photographs.

When it is feasible, photographs should accompany a report to illustrate not only the general characteristics of the country, but important specific points as well. Special effort should be made to secure photographs if the value of the area for forest or watershed protection purposes is at all doubtful or if the elimination of an area has been requested by petitions.

Maps.

A map which shows land classification and a title, or status map, showing alienated lands, should be submitted with each report.

Land-Classification Map.

The land classification should be compiled on the scale that best suits the requirements of the case at hand. When a scale of 1 inch to the mile is used the map should be on atlas correction sheets (Form 979), or if only a small area is involved on inch-to-the-mile township plats. In some cases where it is desirable to show the relation of the change involved to the entire Forest it may be necessary to use a map on the scale of one-half inch to the mile. The map should show land surveys and topography in india ink. For unsurveyed lands the examiner should prepare a sketch map showing drainage and as much additional topographic data as may be practicable.

The land classification shown on the map should be in conformity with the standard Forest Service scheme.

Title Map.

The title map will consist either of a duplicate of the base map or of township plats which cover the area, and will show the different classes of alienation by distinctive colors. The map should be provided with an appropriate legend. These data should be obtained before a field examination is undertaken; they may be secured from the supervisor's office, from the district office, or from the local land office.

The Boundary.

On both the land classification and the title maps the existing forest boundary will be shown by a heavy blue-pencil line, and the recommended boundary of either additions or eliminations by a heavy red-pencil line. Whenever practicable the boundary will run on section or quarter-section lines, but where valuable timber is involved and the land is heavily alienated, it may run on 40-acre subdivisions. In a region covered by the General Land Office surveys a stream may be used for the exterior boundary only when it is shown as meandered on the official land-office plats. In unsurveyed regions any stream may be used as an exterior boundary which has a reasonably fixed channel and flows continuously throughout the year. The alienations and the forest cover outside the recommended boundary should be shown for a distance sufficient to convince the reviewing officer that the boundary has been properly located. When the question is one of elimination these same facts should be shown inside the existing boundary. Both maps should be dated and should bear the name and title of the examiner.

Report.

The examiner's report should supplement the information given on the map with such detailed description of the natural features of the area in question and of the economic conditions governing its use as are necessary to confirm his recommendations.

The following outline of topics is suggested as having a bearing on boundary changes. Each should be discussed in so far as it has relation to the particular case under consideration.

Outline.

(1) Location and area.
(2) Description of topography.
(3) Climate—its effect on forest growth and agricultural possibilities.
(4) Forest:
    (*a*) Silvicultural types.
    (*b*) Amount and class of timber.
    (*c*) Reproduction.
    (*d*) Value as protection cover.
(5) Fire damage.
(6) The value of the area for power, reservoir development, and other public uses.
(7) Settlements.
(8) Industries:
    (*a*) Agricultural.
    (*b*) Grazing.
    (*c*) Lumbering, etc.
(9) Transportation, roads, and trails.
(10) Public sentiment.
(11) Administration.
(12) Conclusions and recommendations. A clear recommendation for or against the change, with brief summary of reasons.

Report Submitted to Supervisor.

The examiner will submit to the supervisor for indorsement his report in triplicate, with two copies each of the land classification and title maps. The supervisor will forward the report in duplicate to the District Forester, with one copy each of the classification and title maps, accompanied by any further statements and recommendations desired. The retained copies of the report and maps will be filed in the supervisor's office.

Inter-Forest Changes.

When changes are contemplated in inter-Forest boundaries the supervisors of the Forests affected will confer and submit a joint report and recommendation to the District Forester. In case of disagreement the District Forester will decide.

Temporary Withdrawals.

If the supervisor, either upon his own findings or upon those of a reporting officer, is convinced that a withdrawal is necessary, he will submit a brief report to the District Forester covering the urgency of the situation and describing the character of the land to be withdrawn. The report should be accompanied by a plat of the area.

National Monuments.

Upon the discovery of an object worthy of inclusion in a national monument the supervisor will submit a detailed report to the District Forester. This report should be accompanied by a tracing showing the location of the objects by legal subdivisions or by metes and bounds. When feasible, photographs also should be submitted.

DISTRICT OFFICE PROCEDURE.

Action on Reports and Maps.

Upon receipt of reports and maps from the supervisor recommending boundary changes the District Forester, if he approves the changes, will transmit the report in duplicate, accompanied by classification and title map to the Forester.

Secretary's Letter.

Upon receipt of notice of the Forester's ratification of the boundary the District Forester will prepare a letter to the Secretary of the Interior or to the President for the signature of the Secretary of Agriculture. This letter will explain the necessity for the proposed boundary change and transmit the draft of the proclamation for approval or signature. In the case of inter-Forest boundary changes in connection with which no exterior changes are being made, and in this case only, the letter should be addressed to the President. In the case of eliminations the letter should state whether the lands eliminated contain valuable power sites. If no information to that effect is of record, the letter should so state. Attention should also be called to administrative sites retained as isolated tracts of Forest land and to any tracts embraced within eliminated areas which are not desired longer for administrative purposes and which should be released. The original letter with two carbons should be forwarded to the Forester, and a third carbon is retained in the awaiting file.

Press Notice.

At the time the Secretary's letter is written the District Forester will prepare also an undated press notice, in duplicate, on yellow paper. This should be a short statement for publication, describing the change in boundary and its need.

Number of Lithographic Prints.

It may be advisable at times to issue more or fewer lithographic prints than the regular number, depending upon the probable permanency of the boundary line as established by the proclamation. This may be done if the request is sent to the Forester before the edition is printed.

Ranger Stations Retained as Isolated Tracts.

When it is necessary to eliminate lands surrounding administrative sites whose further retention is desirable the administrative site will be retained and shown on the tracing as an isolated tract of Forest land.

Recommendations for Withdrawals.

Upon receipt of recommendations from the supervisor for the withdrawal of land under the act of June 25, 1910, the District Forester will pass upon the

advisability of the proposed action and, if he approves it, will prepare a Secretary's letter to the Secretary of the Interior, transmitting a draft for an executive order and recommending that it be sent to the President for signature. When not accompanied by a tracing the Secretary's letter should state in which land district the area lies. Four copies of the Secretary's letter should be submitted.

Release of Withdrawals.

Upon receipt of notice that a proclamation has been signed establishing a National Forest, the District Forester should at once determine if any lands held under temporary withdrawal in the vicinity of the National Forest should be released, and if so a recommendation to that effect should be made. This should be in the form of a Secretary's letter to the Secretary of the Interior, with three carbons, accompanied by a tracing which shows the area to be released. This tracing will, when practicable, be on special linen, crosslined on a scale of 1½ inches to the township. The letter should give the reason for the recommendation for release and should state whether or not the lands to be released embrace valuable power sites, or if the records do not disclose this fact, a statement to that effect should be inserted. The tracing should bear the title:

Proposed release near
_____National Forest.
State _____.
_____ Meridian.
_____ Land District.
Area to be released _____.
Recommended by _____,
District Forester.

Approved by _____,
Forester.
Release requested _____.
Release order signed _____.
Opened to settlement _____.
Open to entry _____.
Area _____.

National Monuments.

Upon receipt of a report recommending the creation of a national monument, the District Forester will forward the report and map to the Forester with recommendations. The Forester will confer with the Bureau of Ethnology regarding the desirability of creating the monument and advise the District Forester of the decision.

Upon notice of approval by the Forester of a proposed monument, the District Forester will prepare the necessary Secretary letter and transmit four copies of it to the Forester with a tracing. The tracing for monuments embracing small areas should be drawn to such a scale as will admit of its being printed on a single sheet, legal cap size, without folding.

WASHINGTON OFFICE PROCEDURE.

Action on Petitions and Inquiries.

Upon receipt, by the Forester, of petitions or letters which pertain to changes in Forest boundaries, or to the creation of national monuments, a reply will be prepared for the signature of the official to whom the communication is addressed or referred. This reply will state that the matter is referred to the District Forester for consideration, and will promise further reply upon receipt of report from the District Forester. A carbon copy of the letter, indorsed "Action required," with copies of the correspondence to which it relates, will be sent to the District Forester, who will prepare appropriate letters for signature of the proper official, and submit them to the Forester for transmittal.

Letters will be prepared in the Washington office only when there is already on file sufficient information upon which a reply can be based, or when an immediate reply is necessary. In such cases carbons will be sent to the District Forester for his information, together with copies of the correspondence.

Action on Boundary Reports.

Upon receipt of reports, and of the District Forester's recommendations concerning changes in boundaries, accompanied by type and title maps, the status will be obtained, if that is desirable, and the report will be submitted to the various branch chiefs for initialing before being submitted to the Forester for final approval. The District Forester and the interested persons will be in-

formed of the decision by letter. Two colored diagrams, bearing date and showing the approved line, will be sent to the District Forester and an exact copy kept in the Washington office files.

Proclamations and Executive Orders, Prepared in Washington Office, Referred to Solicitor.

The texts of proclamations and executive orders will be drafted in the Washington office and submitted to the Solicitor for consideration.

Proclamation Diagrams, Requisition.

Requisition, Forms 273 and 988, is made upon Geography for each proclamation, tracing, and photographic negative reduced to the scale of 1½ inches to the township.

Photographic Prints.

Ten photographic prints are furnished, four of which are mounted on linen. Two of these mounted copies are sent to the district, one for the district's and one for the supervisor's file. The others are retained in the Washington office. Three unmounted prints are attached to the text of the proclamation and transmitted to the Secretary of the Interior.

In case of additions, a memorandum initialed by the Forester is inclosed also. This is for the files of the Interior Department, and sets forth the desirability of the addition. It is accompanied by a land classification map.

Post Cards Attached.

Two prepared postal cards are sent with the papers which go to the Secretary of the Interior; one of these is returned as a notification to the Forester that the recommended action has been taken and the proclamation submitted to the President for signature. The other goes on to the Bureau of Rolls and Library, Department of State, and is returned from that bureau as notification of the fact and date of signature by the President.

Announcement of Signature.

Announcement of the signing of a proclamation will be telegraphed to the District Forester; branch offices in Washington are informed by memorandum.

Press Notice.

The prepared press notice will be sent to the editor for release as soon as notification of the President's signature is received.

Transfer Print and Lithographic Copies.

After the proclamation is signed, requisition, Form 988, is made on the photographer for a transfer print and the proper number of lithographic copies of the diagram.

The State Department is furnished with 500 lithographic prints to be attached as a part of the printed proclamations. A portion of these are retained by the State Department and the remainder returned to the Forester. One hundred copies are retained in the Washington office and the balance sent in equal portions to the District Forester and the supervisor concerned.

Two copies of the signed Secretary letter of transmittal, together with two copies of the proclamation or executive order, will be sent to the District Forester, one for the district and one for the supervisor's files.

Maps Returned to District Forester.

The land classification and title maps will be returned to the District Forester for final filing.

Eliminations Open to Settlement and Entry.

In the case of the restoration to settlement and entry of areas eliminated two copies of the Commissioner's letter will be sent to the District Forester, upon receipt of notice from the General Land Office. A yellow memorandum will be prepared for the files of the Washington office. This will bear the date upon which the eliminated areas are opened to settlement and entry.

Action on Temporary Withdrawal.

In the case of approved temporary withdrawals six copies of an Executive order are prepared. Three of these are transmitted to the Secretary of the Interior with the prepared Secretary letter, two copies are forwarded to the District Forester for the files of the district and supervisor's offices, and one copy is retained for the Forester.

Release.

When land held under temporary withdrawal is recommended for release by a District Forester, blue prints will be made of the tracing which accompanies the recommendation, four to be sent with the prepared Secretary letter of transmittal.

Notice of Release Returned to District Forester.

When the Secretary of the Interior signs and forwards the order of release to the register and receiver of the local land office the Forester is furnished a carbon of the order. The tracing is returned to the District Forester, indorsed with the area, date of release order, and dates of restoration of the land to settlement and entry, together with two blue prints and two return copies of the Secretary letter. The blue prints and the copies of the letter will each bear indorsements identical with those on the tracing.

National Monuments.

The procedure followed in the creation and proclamation of national monuments is the same as that followed in boundary changes.

GRAPHIC INFORMATION.

FOREST SURVEYS AND MAPS.

"Instructions for Making Forest Surveys and Maps" is issued in pocket form for the use of field officers. This manual describes the instruments used, explains various methods of surveying, and specifies the forms for keeping field notes; these forms follow closely the style of the General Land Office.

The kind of survey, whether by transit, compass, or plane table, and the methods of making it, must be left to the judgment of the officer in charge, who will be guided in making his decision by the purpose for which the survey is made.

SURVEYING NATIONAL FOREST BOUNDARIES.

Marking Boundaries.

The boundary lines of every Forest and the boundaries of private lands within the Forests must be located and marked for the information of the public in order to prevent traspass and to simplify the administration of the Forest.

Boundary Posters.

In timber the boundary lines should be marked by blazes, as described in the "Instructions for Making Forest Surveys and Maps." Boundary posters with the proper description should be placed at all corners and at intersections with trails, roads, streams, and ridges. The poster should face outward from the Forest, and should state that it marks the east, north, west, or south boundary, according to the specific part of the boundary line upon which it is placed. In openings, where there is no timber upon which the notices can be tacked, posts should be set. The intersection of boundary lines with important roads and trails should be prominently indicated by means of painted signs giving the name of the Forest.

Retracements and Restoration of Corners.

Retracements, including the restoration of lost or obliterated corners and marks, should be made in accordance with the circular of instructions issued by the General Land Office.

Special Surveys.

Where the boundaries can not be located accurately by the regular force the matter of their survey by the Interior Department or by engineers of the Forest Service should be taken up with the District Forester.

Corners and Marks Protected by Law.

Destroying, defacing, changing, or moving any corner, meander post, monument, or bench mark, or cutting down any blazed line or witness tree on any Government line or survey is prohibited by specific act of Congress, and Forest officers should report violations of this law.

Record of Boundary Survey.

When any work in connection with the survey or retracement of boundary lines, or the restoration or referencing of corners, has been performed by a For-

est officer, he will transmit his notes, sketch maps, and report to the supervisor, who will keep a record of all work of this nature on a map, showing the lines retracted, marked, or surveyed, the corners located or restored, and the points supplied with special signs.

MAP MAKING.

Map making in the Forest Service is of two general kinds: From original surveys made by the General Land Office or the Geological Survey, or both; and from reconnaissance, strip surveys, or cruisings made by the Forest Service in connection with the management of the Forests.

The general official name for the data which, with corrections and additions, form the bases for Forest maps, is the Forest Atlas. This is described in the "Instructions for Making Forest Surveys and Maps."

The Forest Atlas.

The *Forest Atlas* at Washington is the central depository for maps, diagrams, statistics, and history of the National Forests and forestry in general throughout the world. Its most important division is that of maps, and the most important maps are those of the National Forests.

The Forest Atlas now comprises 190 volumes, containing *sheets* exactly 18 by 21 inches. They are bound in loose-leaf holders in two ways: *Standard binders* have the binding margin on the 21-inch side, while *township binders* have the binding margin on the 18-inch side. No map is made on a sheet less than 18 by 21 inches, and larger maps are made on two or more sheets, which are always numbered from west to east, beginning at the northwest corner. Borders are omitted. The title consists only of the name of the Forest or the number of the township. The top of the map is always north. A binding edge of at least $1\frac{1}{2}$ inches is always left blank on the west or left-hand side of each sheet.

Scale.

The *standard scale* of the Forest Atlas is 1 inch to 1 mile, and the National Forests practically have been covered by atlas sheets according to this standard. Whenever, in special cases, a larger or smaller scale is necessary for the preparation of any map in the Forest Service, it must sustain the simple relation of $\times 2$ or $\div 2$. Thus the scale may be 2 inches, 4 inches, or 8 inches to 1 mile; or $\frac{1}{2}$ inch, $\frac{1}{4}$ inch, or $\frac{1}{8}$ inch to 1 mile. Under no circumstances will sheets be prepared for the Forest Atlas on the ratio of 3, 5, 7, etc. The scale of *township plats* is 2 inches to 1 mile, because that scale was adopted by the General Land Office, from which the plats were procured

The Atlas sheets which cover a National Forest are called a *folio*, and are assembled, with a *legend page*, in a paper *cover*, on which is printed an *index diagram* showing the number of the sheets.

Before any statement is issued by any branch or office it must be checked against any statements in the Atlas relating to the same subject, and the two must be made to agree. No sheets should be inserted in the Atlas which do not bear, under a given date, the approval by initial of the chief within whose field the data were collected. In Washington this applies to the chiefs of branch, and in the districts to chiefs of office.

District Atlas.

In the office of each District Forester is a *District Atlas* consisting of 20 or more volumes, containing duplicate sheets of the Forest Atlas covering the area of the district. Whenever Forest Atlas folios have been duplicated by photolithography or otherwise for a National Forest, the officers have been supplied with copies, but under no circumstances are copies of any Atlas folio to be sold or given away. They are strictly for the use of Forest officers in the administration of the National Forests. Copies for distribution are not published.

Forest Supervisors are supplied by the property clerk with binders for Forest Atlas folios, having the binding margin on the 21-inch side, and also with binders for land-office township plats, having the binding margin on the 18-inch side.

Corrections.

The folios are the "mother maps" which furnish the bases from which further map making will proceed in the Forest Service. They correspond to the mother maps of other countries in this respect—that they are compiled from official

data upon a standard scale, 1 inch to 1 mile,[1] and upon a uniform legend. They are not always sufficiently accurate for Forest work, and the sheets must, therfore, be corrected whenever new data have been obtained in the field. The manner of correcting sheets is shown on the "Dummy Atlas Sheet," which has been issued to Forest officers. The method is that used by printers in correcting proof. Bold lines should be drawn to the margin of the sheet and explanatory notes written clearly. The marginal note is necessary both to explain and to call attention to the correction, and if properly indicated on the sheet, letters or memorandums telling how it should be corrected will not be necessary.

New Data.

New data obtained by reconnaissance is usually mapped on a scale of 2 inches or 4 inches to 1 mile. Such data should not be redrawn to the standard Atlas scale in the field. The reconnaissance tracings should be sent to Washington with a requisition, Form 988, for photo-reduction. For this and other reasons reconnaissance tracings and other base maps should be drawn with black ink only, and should show only the drainage, contour, culture, and land lines. Other data, such as classification, forest or grazing types, or administration districts, can be shown by appropriate colors upon two or more prints. By this method the tracing remains a record which is subject to very little change, and is not obscured by data which are of special rather than general value. The first reconnaissance of any area should include the drainage and contour, otherwise it will not be possible to "register" a second or supplemental reconnaissance with it.

General Maps.

In accordance with the "Instructions for Making Forest Surveys and Maps," page 71, requests for the compilation and issuance of a Forest map should be submitted to the Forester. There should be no delay in making such requests. If a supervisor has not already been supplied with a satisfactory general map of his Forest, which can be used for administrative purposes, he should submit corrected Atlas sheets or other data, as provided in the instructions, and send them with his recommendation, through the District Forester, to the Forester. This recommendation should specify the kind of data which should be shown or omitted, the scale, and the number of copies required. On the majority of Forests the most satisfactory scale for a *general map* will be one-half inch to 1 mile. If a larger or smaller scale is recommended the reasons should be given.

These general maps, when issued, will serve as base maps upon which may be indicated, by the appropriate colors or symbols, the location of various activities and transactions on the Forests. They should, therefore, so far as practicable, show the land-office surveys, drainage, prominent topographic features, and culture (works of man). The culture should include roads, trails, railroads, telephone lines, towns and settlements, and rangers' headquarters and summer camps. Other desirable data can be shown if within the limitations of the scale. Ordinarily, alienations can be shown best, where the scale is only one-half inch to the mile, by the use of color. If the supervisor requires too many of such maps to warrant their coloring by hand, the alienated areas can be printed, in a transparent tint, upon a portion of the edition, leaving the remainder as a permanent base map.

If a Forest has already been furnished with a *general map* on the half-inch scale and a sufficient amount of corrections and additions have been subsequently made to warrant the issuance of a *revised edition*, these corrections should be indicated upon a copy of the last edition, using red ink and following the method described in the "Instructions for Making Forest Surveys and Maps," and as shown on the "dummy" Atlas sheet. The same procedure should be followed in changing or correcting proclamation diagrams. Correction must be made on the map. Any reasons or explanations may be written, in red, on the margin where the draftsmen and engravers will not fail to see them.

Working-plan Maps.

Accurate base maps on a large scale showing the topography and culture are absolutely essential for the proper and successful management of the tim-

[1] The mother maps of Great Britain and India are on the same scale as the Forest Atlas standard. Those of France, Spain, Italy, Switzerland, and Sweden are nearly the same, 1½ inches to the mile. Those of Bosnia, Herzegovina, Norway, Bulgaria, Hungary, Russia, and Portugal are on smaller scales; those of Germany, Belgium, Denmark, and the Netherlands are on larger scales

ber and forage, of special uses and settlement, and for the improvement and protection of the Forests. Such maps will be known as *working-plan base maps.* For these a scale of 4 inches to the mile, or even a larger one, may be advisable. On the other hand, a smaller scale may be adopted on maps of large projects, such as fire and water-supply protection plans. The topography will be shown by means of contour lines, intervals between which will be 20, 50, or 100 feet.

Field Surveys.

The field data necessary for the preparation of these maps will be taken from the Geological Survey sheets or the Atlas folios when such maps are sufficiently accurate and from all field surveys by Forest officers.

Such surveys will include examination of claims, and of applications for settlement, special uses and timber sales, and reconnaissance surveys for all purposes when the taking of topographic data is necessary.

In order to insure the necessary degree of accuracy and completeness of the data obtained by such surveys, the District Forester will prepare instructions for standard methods of survey which must be followed by field officers unless specifically exempted by the District Forester Such instructions will conform to the "Instructions for Making Forest Surveys and Maps" and will also contain instructions governing the establishment of horizontal and vertical control (if the standard administrative map has been prepared), the methods of survey, the topographic data to be collected, and its compilation. In the case of large reconnaissance projects on Forests for which the standard administrative map has not been prepared, or wherever there is any doubt as to the control, specific instructions in regard to the control will first be obtained from the Forester. Data resulting from field surveys should not be allowed to accumulate in the files, but should be posted as soon as collected on an original draft of the working-plan map. The field papers containing the data may then be marked "Posted" and filed.

Reconnaissance Surveys.

Great care must be exercised by the District Forester in approving projects for reconnaissance surveys of considerable areas in order that areas in need of such surveys are taken up in the order of their importance. The following order will be observed unless some special conditions prevent:

(1) Large areas which are of value for agriculture and for which applications under the act of June 11 have been received (Land Classification).

(2) Immediately prospective timber sale areas (Timber Reconnaissance).

(3) Areas which have a high fire liability and hazard and are without adequate maps (Protection Survey).

(4) Areas subject to intensive use of forage (Grazing Reconnaissance).

(5) Timber reconnaissance for the purpose of regulating the cut.

A record of the areas covered by standard surveys should be kept by the supervisor on an administrative map. Annually the supervisor should forward to the District Forester a map of his Forest, showing the areas so covered to date, with a statement of the total area and that covered during the previous year.

Special Maps.

Special maps are issued for the use of Forest officers, to illustrate bulletins or circulars of the Forest Service, or as special publications for the dissemination of information which can be best expressed graphically. Such maps are not for general distribution, though some are sold, and they may even be given away under certain circumstances. A general map of a National Forest may be given to a user when it is necessary or convenient to show thereon the lands covered by a transaction.

General maps of the United States, showing the National Forests and related projects and data, unmounted, are sold by the Superintendent of Documents, Washington, D. C., at 50 cents each. A limited number of copies are retained in the Forest Service and furnished in some cases to State officers, State institutions, and libraries, where they will be accessible to the general public.

General continental or regional maps, showing natural forest areas or the distribution of tree species are furnished to State institutions and to some first-class libraries. When more than one copy of a general map is requested, as in the case of forest schools or agricultural colleges, a charge will be made for each extra copy.

Index maps, proclamation diagrams, and diagrammatic maps are treated as publications of the Department of Agriculture, and may be used to answer inquiries which could not be answered satisfactorily in any other manner.

In exceptional cases, as in return for services or courtesies rendered, when a request is made that a map be given to an individual or to an institution not included in those listed, the reason for such a gift should be clearly stated in the request, and should be indorsed or initialed by a Forest officer before being forwarded to the Forester.

Maps Issued by Other Departments.

Proclamations creating or changing National Forests, with diagrams, are issued by the State Department. A limited supply for distribution is kept in the Washington office.

Published quadrangles, showing topography, drainage, and cultivation, are issued by the Geological Survey. Only district foresters may write directly to the Survey for its publications, stating in each letter that the publications requested are strictly for official use.

When advance topographic sheets are prepared in the Geological Survey for an area affecting any National Forest, 12 photographic or 40 lithographic copies are delivered to the Forester. One copy is placed in the Forest Atlas, at Washington, and copies will be sent to the District Forester, and to the supervisor of the Forest affected.

Township Plats.

Township plats are prepared in the General Land Office. Some of them have been reproduced by photolithography, but the greater number are reproduced by photography in the Office of Geography, the original plats being borrowed for that purpose, in accordance with a cooperative agreement between the Forester and the Commissioner. A wet-plate negative is made and three prints are taken from it, which, after being mounted, trimmed, and punched, in accordance with Atlas standards, are placed in the Forest Atlas at Washington, in the District Atlas, and in the office of the supervisor. The negative is then destroyed; additional prints, therefore, can not be furnished, unless they have been specifically requested before the negative is made. Requests for township plats should always be sent to the Forester and should specify the date of the plat, as there are frequently several surveys and plats for a single township.

State maps are issued by the General Land Office. Requests for them should be sent to the Forester.

Charts are issued by the Coast and Geodetic Survey. Requests for them should be sent to the Forester.

PHOTOGRAPHS.

Photograph Laboratory, Washington.

The Office of Geography at Washington is equipped for all classes of photographic work, including wet and dry plates, pictures and map prints, blue prints, Vandykes, enlarged transparencies and bromides, and lantern slides. In cooperation with the Geological Survey, it prepares and prints photomicrographs of wood sections. It prepares originals for illustrations, photographs and wash drawings for halftones, and line drawings for zinc etchings; it makes transfers from map negatives to stone for lithographic proofs; it mounts pictures and maps on cards or muslin.

Requisitions for Photographic Work.

Requisitions (Form 988) on the photographer at Washington for photographs, maps, diagrams, or other graphic records needed for office use in connection with files and records, other than supervisors' albums or to accompany reports, may be initialed by the chief of any branch or office, in Washington or in the districts; and if not more than three prints of any one negative are involved supervisors may make requisition directly upon Washington. When correspondence of a purely routine character is necessary with regard to filling such requisitions, the Branch of Operation may correspond directly with supervisors, without sending copies of the correspondence to the district office.

Supervisors may also requisition directly single copies of maps or diagrams to be placed on the walls of their offices. Requisitions for bromides or transparencies desired for instructive display, whether in offices of supervisors or in the district offices, will be initialed by the District Forester, as will all requisi-

tions for material desired for use in connection with addresses by members of Forest Service or in connection with Forest Service exhibits.

Prints for Official and Personal Use.

Care must be taken to distinguish between photographic material needed for official use and material desired by members of the Forest Service for their personal use. Photographic material for personal use will be supplied to members of the Forest Service only by sale. Photographs which are to be used for illustrating books or articles prepared by members of the Forest Service as individuals should be regarded as for personal use, and the character of this use should be clearly indicated by the requisition. When new photographs are developed, one set will be supplied for the use of the office if requisitioned by the chief of the office, such photographs to be regarded as Forest Service property.

Photographic material may be requisitioned for outside distribution for the following purposes:

(*a*) To cooperators and others from whom aid has been received or by whom courtesies have been extended in furtherance of official work.

(*b*) For use in illustrating material to be published in newspapers or other periodicals.

(*c*) For use in book illustrations.

(*d*) For use in educational work—by lecturers and schools and for exhibit purposes.

Requisitions for photographic material of any kind to be disposed of to cooperators and others who have extended aid or courtesies in the furtherance of official work must be initialed by a chief of office, in the districts or in Washington. Requisitions for photographic material to be given, loaned, or sold for use in illustrating any book, article, or other printed matter, or for use in educational work by lecturers and schools or for exhibit purposes, must be initialed by the District Forester or by a chief of branch, and be approved by the editor. The editor has charge of all work designed to promote general education in forestry by the diffusion of information concerning forests and their best use, through the supply of information to newspapers and other periodicals, through the giving of addresses other than those before audiences of National Forest users with regard to National Forest work, or through exhibits in cooperation with schools other than technical schools of forestry. All requisitions for photographic or art work which will be used to promote general education in forestry must be approved by the editor.

Lantern-Slide Collection.

All exhibit and lantern-slide material owned by the Forest Service, whether in the districts, in Madison, or in Washington, will be considered a part of the Forest Service lantern-slide collection and the Forest Service supply of exhibit material, and will be under the direct jurisdiction of the editor, to whom will be made such periodical reports as may be called for.

Sale of Prints.

The act of March 4, 1907, authorizes the disposal of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, and forest maps at cost and 10 per cent additional. Decision as to whether or not material should be sold should be based on the same grounds as decision whether material should be loaned or given away. The object in every case should be to promote the work of the Forest Service or to diffuse information concerning forestry as effectively as possible. Generally speaking, gifts should be restricted to cooperators or persons who have extended aid or courtesies in furtherance of official work; but when a valuable educational result can be attained only if material can be furnished free, gifts may be made, in the discretion of the editor.

Use of Prints to be Stated in Requisition.

The geographer will see, before initialing requisitions for photographic work, that the purpose for which the work is to be used is clearly indicated and that the requisition conforms to the above instructions.

Schedule of Prices.

When material is to be sold it will be according to the following schedule of prices:

PHOTOGRAPHIC PRINTS.

Size.	Unmounted.	Mounted.
4 by 5...each..	$0.06	$0.08
4½ by 6½..do....	.07	.09
5 by 7...do....	.08	.10
6½ by 8½..do....	.11	.14
8 by 10..do....	.17	.20

SOLAR BROMIDE MAPS.

Size of maps.	Unmounted.	Mounted on muslin.
11 by 14..each..	$0.14	$0.20
14 by 17..do....	.17	.25
20 by 24..do....	.21	.34
28 by 34..do....	.39	.58

Lantern slides	each	$0.35
Bromide enlargements	per square inch	.003
Bromide enlargements (sepia)	do	.004
Transparencies	do	.015
Blue prints	per square foot	.04
Vandyke prints	do	.08

Hand coloring will be done on lantern slides at 65 cents each, on bromides at 1 cent per square inch, and on transparencies at 2 cents per square inch.

Substitutes for Defective Prints Sold.

When money is received in advance for photographic work from negatives which may be defective, it can not be returned, because it is deposited with the Treasurer of the United States and is not available for Forest work. Substitutions of equal value can be made, however, from other negatives.

Policy.

The present purposes of the Forest Service in taking photographs are restricted to the following:

(1) *Temporary pictures*, necessary to accompany manuscript reports or furnish evidence.

(2) *Progress pictures*, where the changing conditions at any locality can be best shown by two or more photographs. (This does not mean that pictures should be taken to show the rise and fall of streams or the depth of snow when gauge readings and profiles are the best and most acceptable form of record.)

(3) *Special pictures*, having unusual interest, which may be used as illustrations in bulletins or other publications.

(4) *New pictures*, covering subjects not now in the Service collection. (This does not mean that every new permanent improvement must be photographed, unless it involved some extraordinary feature or difficulty of construction. The author should remember that some view which may be new to him may be quite commonplace in the Service at large.)

The general policy in regard to permanent pictures for the collection is to obtain fewer but better and newer pictures.

IN THE FIELD.

Cameras.

Cameras are nonexpendable property and are issued by the property clerk at Ogden, Utah, on request (Form 668) approved by the District Forester. Cameras should be issued only to competent men, and be used only when necessary. When no longer needed they should be returned to the District Forester or to the property clerk. Unless there are special reasons to the contrary only one camera should be allowed to each Forest.

Films.

Films are nonexpendable property, purchased under contract, and are issued by the Forester on request (Form 988). Care should be used to indicate the

exact size and make of the camera for which films are desired. If films are needed in an emergency for immediate use they may be purchased in the field. Films will be charged to the individual making the requisition or purchase, and will in no case be charged to an office or Forest. When films are purchased in the field the individual making the purchase will include them in his expense account. He will be held responsible for their value if they are not used or turned in before the indicated date of expiration. Exposure of films will be for necessary official use only. Films of useless and irrelevant subjects, or only of personal interest, will be rejected and returned to the author, who will be required to reimburse the Government and to pay the cost of the developing and printing from such films.

Notebooks.

Notebooks (Form 166) are expendable property and are issued by the Forester or District Forester on request or requisition (Form 988). The notebooks must be used to record each exposure and show the purpose for which it was made, and they must be forwarded in the same package with the corresponding films to the Forester. Each author will number the record of each exposure made by him, 1, 2, 3, etc., consecutively, as long as he remains in the Forest Service. Alternate leaves in the notebook are detachable and the author may, therefore, make, detach, and retain carbon copies of the record of each exposure. It is absolutely necessary that the Forester receive the notebook with the exposed films in order to identify them properly. The permanent number will be placed upon the film and notebook by the photographer.

Films Developed and Prints Made in the Field.

Only when needed for immediate use may films be developed and prints made in the field. Even then this should be done, when possible, by a competent photographer under contract at district headquarters. As soon as the prints have been made the developed films and the corresponding notebooks will be forwarded to the Forester. In such cases the films must be correctly numbered with the temporary (author's) number to agree with the numbers in the notebook. These numbers must be written with lead pencil on the margin of the films in such a manner as not to injure them. Prints will be sent to the Forester.

Notice of Purchase of Films.

Authors will notify the Forester when films are purchased in the field, giving the date of purchase, the quantity, kind, and size of films, and the date to which they are guaranteed.

GENERAL.

Spoiled films may be destroyed by the photographer.

When films are returned to Washington, with their corresponding notebooks, they are developed and the results are recorded on the prescribed form on the last page of the notebook. Prints are made from good negatives, which, if recommended by the photographic committee at Washington, are given a permanent number and placed in the Service collection.

All photo-map work must conform to Forest Atlas standards and must not conflict with any of the Instructions for Making Forest Surveys and Maps, except for sufficient reasons, which must be clearly stated.

PUBLICATIONS.

PREPARATION OF OFFICIAL PUBLICATIONS.

Selection of Subjects.

Suggestions of subjects on which publications might advantageously be prepared are welcomed from all members of the Forest Service. Such suggestions when made by members of the Forest force should be transmitted through the supervisor to the District Forester. If the subject relates to investigative work or involves the compilation of data it will be referred to the district investigative committee. If it relates to administrative work, and the suggestion is approved by the District Forester, authorization may be sought from the Forester for preparing the proposed publication. Copies of letters requesting such authorization should be sent to the other District Foresters. These letters should indicate the general character and scope of the publication proposed, by

means of a brief provisional outline, and the name of the proposed author or authors. Authorization for preparing publications along scientific lines will be given through approval of the project as provided for in the chapter relating to the investigative committees.

The practicability of assigning the preparation of publications to the person first suggesting them will be carefully considered by the District Forester. First consideration, however, must in all cases be given to the man who can do the work best, or who is most available for it.

Preparation of Manuscripts.

Authors should seek to put their publications or reports into the best possible form, and to make them complete in every detail, including table of contents and list of illustrations, before submitting them.

Publication Credits.

A proper assignment of credits to different men whose work contributes to any publication is often difficult. Many publications are prepared by men who utilize data derived from studies and reports of other men. In some cases the final work may be merely the compiling of results which are in the files; in other cases the author will use these data as a basis for an elaborated study; in others again he will use data gathered by others to supplement his own original researches. There will also be difficulties due to contributions of short or long passages covering points which need to be handled by some specialist or in some branch other than the originating one; additions supplied by superior administrative officers, editors, and others; and criticisms so valuable as materially to raise the character of the publication. In short, many publications will be a composite of the work of many men.

The following is a statement of the general policy to be applied in the matter of credits:

(1) Publications embody primarily the work of the Forest Service, not of individuals. The views expressed must have the approval of the Forester, in order to be published. Statements are generally accepted as resting on the authority of the Forest Service, not of the man whose name appears on the title-page. If the work is faulty, the Forest Service is held responsible.

(2) Results which have been gathered by individuals belong not to the individual but to the Forest Service. No one has a right to demand that his results shall be used with reference to his personal glorification, if the best interests of the Forest Service call for their use without the giving of credit.

(3) The Forester has a right to expect all members of the Service to contribute willingly and to any extent toward making any and all publications as good as possible, without expectation of personal credit, whenever the presentation of the subject matter of the publication in the best form (i. e., in the form which will secure the best results) will be interfered with by the giving of such credit.

(4) It is, however, desirable, from the standpoint of efficiency of publications as well as of fair treatment of those who prepare or contribute toward Service publications, that, within reasonable limits, credit should be given to each man for his own work. The giving of proper credits is a stimulus to good work; and it is also an advantage to the Forest Service to increase the reputation and scientific standing of its members.

(5) Especially it is highly demoralizing to permit one man's reputation to be increased at the expense of that of another man who sees credit for important work given to some one else.

(6) It is important that publications should, just as far as possible, appear as the work of an author or authors. This means that the principal credit must necessarily go to not more than two men.

(7) The man who has actually put the most into the publication should have principal credit for it. This may or may not be the man whose field work furnished the data. When the digesting of raw material constitutes the principal scientific contribution to the publication, the man who does the digesting should have the principal credit. On the other hand, when one man merely puts into shape for publication material which has been thoroughly and satisfactorily worked up by others, he is the editor or compiler, not the originator. In such cases he should at most not appear as more than the junior partner in the work.

(8) Administrative responsibility for work includes an obligation to see that the material prepared for publication is as well prepared as possible. Supervision of work, though it may actually make suitable for publication the com

pleted report, does not entitle the one supervising the work to assume credit as the author.

(9) When a man undertakes a publication concerning work of which he has charge, the necessity of acknowledgments to those who have either assisted in gathering the data or contributed to the writing of the work under his direction is a matter of administrative judgment. It would be absurd for the chief of a field party conducting an investigation to feel it incumbent upon him to name all the members of the party and state what measurements had been taken by each; and the good of the Service often requires that one man should prepare matter for another man to use as though it were his own. On the other hand, the holding of a superior position does not entitle any one to take credit for another man's work. The deciding principle must be the good of the Service, before which every personal consideration must give way.

(10) When publications combine the original work of several different men, no one of whom can, in fairness to the others, be recognized as the principal contributor to the completed study, one of two courses may be followed:

(*a*) If there is a compiler who has contributed in an important degree to the working up of the final conclusions, he may be recognized as the author; but the first paragraph of the bulletin should be an apportionment of credit indicating what is, in the judgment of the administrative officer in immediate charge of the work, the relative share of credit which belongs to the compiler and to the various persons whose results are utilized.

(*b*) If the compiler's share in the work is, in the judgment of the administrative officer in charge, relatively subordinate, it is manifestly an injustice to the others concerned to permit the compiler's name to appear on the title-page without their own names. In such cases it would be better not to put any name on the title-page, but to apportion the credit in the opening paragraph of the publication.

(11) Minor contributions, either in the form of footnotes or of short passages for insertion in the body of the text, consisting of discussions of technical points falling within the field of a branch or office other than that in which the publication originates, should generally be given freely without the expectation of credit. The Service can not follow the same method which the author of an outside publication would in giving credit to every one who had rendered any assistance. Nevertheless in some cases acknowledgment for even a small contribution which is essentially original work may properly be made. It is believed impossible to lay down a hard and fast rule. Much will depend on the context. On the one hand, matter should be furnished cheerfully without stickling for acknowledgment. On the other hand, if the effectiveness of presentation of the subject matter is not interfered with by the giving of credit, such credit may be given.

(12) In general it is better for authors in preparing manuscripts to give too many credits than too few. The past usage has, on the whole, erred on the side of too little consideration of what might be done to acknowledge assistance received. The editing of publications will, however, include taking into consideration whether the acknowledgment made by the author should stand. In case of the failure of the editor and the author or person given credit by the author to agree, after consultation with the chief of the originating branch, the point at issue may be laid before the Forester.

To sum up: It is desirable to give credit for original work, in so far as this is possible without detracting from the value of the publication through minute or excessive acknowledgments or interruptions of the continuity of presentation.

Review of Manuscripts.

Manuscripts intended for publication which originate in a district office will not be transmitted by the District Forester to the Forester until they have been carefully reviewed in the district office and are approved by the District Forester as complete and satisfactory. They should then be submitted to the Forester. If approved by the chief of branch, they will be submitted to the editor for final review. When submitted to the editor they must be accompanied by the necessary illustrations, tables, and diagrams, and must bear the initials of the chief of branch, as well as those of the District Forester (if they originated in a district office), the chief of office, and the author. Manuscripts will be taken up for review in the order in which they are received and registered. Chiefs of branch may at any time make changes in the order in which manuscripts originating in their respective branches shall be taken up, but only by direction of the Forester shall any manuscript of one branch be given precedence over that of another which was registered earlier.

Manuscripts will be reviewed by the editor both for their technical accuracy and their literary form. When a manuscript has been edited it will be submitted to the chief of branch concerned for his approval. In case of disagreement between the editor and chief of branch concerning the desirability of suggested changes the question as to whether the changes shall stand will be referred to the Forester for final decision.

After a manuscript has been transmitted for publication by the Forester the responsibility of putting it through the press will rest solely upon the editor, who will deal directly with the Division of Publications. He will submit first proof to the chief of branch, who, if he thinks it desirable, will transmit the proof to the author. The editor, in revising proof, will make no change which involves technical questions without the approval of the chief of branch.

DISTRIBUTION OF PUBLICATIONS.

The following instructions with regard to the distribution of publications are supplementary to those given on page 33 of the section of the National Forest Manual relating to Forest plans under "Libraries."

Departmental Special Order of December 8, 1908, reads in part as follows:

> The Division of Publications is charged with the mailing of all publications, the chief of that division having been designated to have supervision of such distribution under the provisions of section 92 of the law of January 12, 1895, and that he is required to report thereon. Consequently, when the chiefs of bureaus desire publications mailed out they must send orders therefor, leaving the actual mailing to be done in the document section of the Division of Publications; and no mailing shall be done by the bureaus, divisions, and offices. The only exception to the above is when it is desired to send a marked copy referred to in a letter or to hand a copy to a visitor.

Supplies of publications which are intended for distribution to the Forest force, and also of publications which supervisors should have for use in office interviews and in correspondence with the public, will be sent to supervisors directly from Washington, with notification from Washington to the District Foresters of the action taken.

Each Field Program will list all publications issued during the preceding quarter. Requests for any of these publications, or for any other publications, either of the Forest Service or of any other bureau of the Department of Agriculture, desired by any Forest officer for his individual use should be submitted to the forest supervisor and filled by him if he has an available supply. If he has not, the request should be transmitted by the forest supervisor, with indication of his approval, directly to the Forester. Publications thus requested, or a notification that they are not obtainable, will be sent directly from Washington to the officer who makes the original request.

FIELD PROGRAM.

The Field Program is issued from Washington on the 15th day of January, April, July, and October. Material intended for the Field Program will be forwarded from district offices in time to reach Washington not later than the 2d of the month of issue.

A sufficient number of Field Programs, in envelopes, will be sent to each supervisor to supply all officers on his Forest. Immediately upon their receipt the supervisor will have the envelopes addressed and sent to officers on the Forest. Sufficient Field Programs, not in envelopes, will be sent to District Foresters for immediate distribution to district offices. Changes in the number to be sent any supervisor will be indicated by him to the Forester.

EDUCATIONAL ACTIVITIES.

Information for the Press.

General Order 138 of the Department of Agriculture prescribes in part as follows:

> The publicity work of the department will, in every detail, be approved by the chief of the bureau, office, or division interested, and be submitted to the Secretary of Agriculture before publication.

This order relates both to material prepared for distribution to a mailing list of newspapers and newspaper writers, and to articles officially prepared for publication in a single newspaper. It does not prohibit district foresters and supervisors from furnishing information which may be sought by newspaper men for immediate use concerning Forest Service work; in other words, such information as would properly be furnished anyone asking for it is not to be refused newspaper men. Information should not be furnished concerning matters pending before the Secretary or the Forester for decision or which might develop differences of a controversial nature between the Forest Service and any other bureau or department of the Government.

It is desirable that all proper opportunities should be afforded the public to understand the work of the Service and the principles and application of forestry. Controversy, self-advertisement, and partisan discussion of questions of policy must, however, always be avoided, as well as criticisms of any other bureau or department of the Government. Both district foresters and supervisors should be accessible to newspaper men and respond to legitimate demands for information, while exercising discretion and tactfulness in furnishing information.

Because of the necessity which often exists to furnish information in the districts regarding matters on which the public should be rightly informed without the delay which would be involved in submitting material to Washington for approval, the Secretary of Agriculture has authorized the district foresters to furnish statements for newspaper use when in their judgment delay would be detrimental to the interests of the Forest Service.

Material for Technical and Other Periodical Publications.

All articles written by members of the Forest Service as individuals for any periodical must be submitted to the Forester before they are offered for publication.

Addresses.

General Order No. 135 of the Department of Agriculture provides as follows:

> Before incurring any expense, salary, or otherwise, in connection with attendance upon any conventions or meetings of associations of any kind, officers and employees of the Department of Agriculture must in each case obtain in advance specific authority from the Secretary.

Subsequent to this order the Secretary of Agriculture granted authority to the district foresters to authorize informal addresses before local commercial clubs, granger societies, or other small or unadvertised meetings when the request is received too late to permit application by letter to Washington. In the case of important meetings, conventions, and, in general, occasions which involve formal participation by the Forest Service or which involve anything more than an incidental expenditure of time and money, a specific authorization of attendance must be obtained from the Secretary of Agriculture, through the Forester.

The Secretary of Agriculture has also authorized the attendance of one representative of the Forest Service at meetings of Forest users when these do not constitute gatherings of an organization, and at meetings of stock associations when attendance is for the purpose of transacting National Forest business, without securing special permission in advance.

Letters requesting the authorization of the Secretary for attendance at meetings by members of the Service will be prepared and filed in the Office of the Editor, which will keep a record of addresses made at all meetings by members of the Forest Service, except meetings of Forest users and stock associations which Forest officers may attend for the purpose of transacting National Forest business. All persons making addresses other than those covered by the above exception will, immediately after the meeting, submit a report (Form 329) to the Forester, through the District Forester or chief of branch, stating the character of the meeting, approximate attendance, the results believed to have been secured, and other matters of a similar nature.

PROTECTION FROM FIRE.

Need for Protection.

Practically all of the resources of the National Forests are subject to severe injury, or even to entire destruction, by fire. Besides the diect damage which fire may do to merchantable timber, to the forage crop, and to watershed cover,

it may nullify all attempts at the practice of forest management, such as the regulation of cutting to insure a second crop of timber, the planting of denuded areas, and the restriction of grazing to assist regeneration.

There is probably no other forest area where the danger of fire is greater than on the National Forests. This is due to their comparative inaccessibility, to climatic conditions, to the sparseness of population, and to the constant use of fire in the daily life of the people and in the industries.

The protection of the Forests from fire is, therefore, of paramount importance, and the most careful and systematic study must be given to the problem of affording the greatest protection at the lowest cost.

What Governs Protection.

Fire protection involves a consideration of (1) the fire liability or the damage which may result; (2) the fire hazard or the degree to which the forest is subject to fire danger; (3) the difficulty and cost of prevention and control.

METHODS OF FIRE PROTECTION.

Measures for Protection.

Measures for fire prevention and control may be grouped under four heads: (1) Those to lessen the fire liability; (2) those to reduce the fire hazard; (3) those to decrease the cost and difficulty of discovering and controlling fires; and (4) those to secure promptness and efficiency in actual fire fighting.

Under the first head would be included the disposal of valuable timber exposed to very great fire hazard; under the second, the encouragement of grazing to remove inflammable undergrowth or to keep down grass and the removal of slash or brush piles; also the education of the public in the safe use or avoidance of fire, the enforcement of preventive laws and regulations, and the general surrounding of the use and occupancy of the Forests with proper safeguards. The third classification should include the construction of complete systems of communication, transportation, lookouts, and firebreaks; the preparation of accurate maps to show the conditions which affect the fire problem; and the apportionment of equipment and supplies. The fourth classification covers agreements with other organizations or industries which would be involved in fire losses, to report and extinguish fires which they discover; also the employment or assignment of men for patrol duty and arrangements to secure labor, supplies, and equipment in anticipation of fire fighting.

THE FIRE PLAN.

To insure the adoption of every practicable means for protecting the forest property from fire, a systematic study of the conditions on every Forest is necessary. The complete fire plan resulting from this study is simply a description of the fire liability and hazard and of every means which have been or may be taken to meet any emergency which may arise. The fire plan will be prepared by the supervisor and in the light of experience will be modified and strengthened at the close of each fire season.

It is impossible to prepare one standard plan which will meet the local conditions on all National Forests. Therefore the instructions which follow should serve only as a general guide to the supervisors, who should have the widest latitude in developing the details of the plan to meet their peculiar needs.

Maximum Efficiency with Minimum Expense.

No supervisor should consider his fire plan complete until he has considered every possible means by which the fire liability and hazard and the cost and difficulty of suppression may be reduced, or until he has evolved a system which will, at the minimum expense, afford the maximum protection which the conditions demand.

Collection of Information.

Complete information is a prerequisite to the formulation of a perfect fire plan. This information will not be obtained until the entire Forest has been covered by intensive reconnaissance; and since it will be many years before this information will be fully available, the first draft of the fire plan must be prepared from such maps and data as are at hand.

Maps.

Of first importance is a topographic map which shows accurately the cover and cultivation; means of communication and transportation; location of settle-

ments, sources of supply for labor, equipment, food, and forage; and location of camping grounds, lookout stations, and firebreaks.

Special Protective Surveys.

On those Forests which have an extremely high liability, and of which the existing maps are very inaccurate, the project of a protective survey should be considered. Such a survey should aim to produce merely an accurate topographic map with a delineation of the types of cover and a rough estimate of the timber. Ordinarily a survey should not be undertaken for this purpose alone if its cost will exceed 1 cent per acre.

Statistical Information.

The fire-protection map should be supplemented by statistics by ranger districts, giving an appraisal of the liability, the degree of hazard, and the liability insurance (or the amount of money which may properly be expended for fire protection) based on the value of the property to be protected.

THE FIRE LIABILITY.

The amount of money which may properly be expended on protection naturally is determined by the amount of damage which fire may inflict, and this damage is, in turn, dependent on the character and value of the forest cover. Therefore the fire liability of each type of forest should be determined as accurately as possible by means of a study of the results of previous fires. Damage may include the actual loss of merchantable or potentially merchantable timber; of forage; of protective value; or in the reduction of the productiveness of the land. Ordinarily, the liability should be expressed definitely in terms of money.

Reduction of Liability.

The study of the fire liability should include the determination of the location and amount of merchantable timber in burns, or in isolated bodies, which are so situated that successful protection is practically out of the question. The sale of such bodies of timber should be carefully considered.

THE FIRE HAZARD.

The fire hazard depends upon the inflammability of the forest cover and upon the degree to which it is subject to the chance of ignition. The hazard of different types of forest can be measured only in terms of relative risk, such as high, moderate, and low. The determination of this risk will involve a study of the history of fires on the Forests, with particular reference to their causes and frequency and to the forest's inflammability.

Reduction of Hazard.

Measures to reduce the fire hazard will include the grazing of areas not now grazed, the removal of combustible material from camping sites and other areas of great hazard, the burning of slashings or old burns at safe seasons, the use of oil as fuel and of spark arresters on locomotives and other engines, and the adoption of silvical methods which will help to keep the forest free of combustible material.

PREVENTION AND CONTROL.

The methods and the cost and difficulty of extinguishing a fire varies not only with the type of cover, but with the kind of fire. Thus in regions where fires are easy to extinguish and do but little damage there will be required protective measures which will differ from those for forests which are subject to complete destruction and in which fires are extremely difficult to control. A careful study must therefore be made of the relative cost and difficulties of fire control in the different types of forest.

Transportation and Communication.

The costs and difficulties of prevention and control will depend also upon means of transportation and communication. An adequate system of roads and trails and means of communication between lookouts, patrol stations, and the headquarters of rangers and the supervisor is of utmost importance.

These subjects are treated in detail in the Improvement section of the Manual.

Firebreaks.

Firebreaks greatly reduce the hazard and the cost of prevention and control. Their absolute value is not as yet wholly determined for the United

States, but they are widely used in European forests. It is evident that a most careful investigation must be made to determine what their character should be and what is their utility in proportion to their cost.

Classes of Firebreaks.

In general, firebreaks fall into three divisions: First, topographic; second, isolating; and third, divisional. The topographic are those on ridges, along contour lines, at the base of slopes, and along streams. Nearly always they serve also as means of travel and become part of a permanent system of roads and trails. There is no question as to the utility of this type. Isolating firebreaks take advantage of the difference in liability and hazard of the forest cover and aim to segregate certain areas. Divisonal firebreaks are constructed more or less arbitrarily through large areas of similar cover and regular topography. Their purpose is merely to subdivide the area and afford smaller units within which the fire may be restricted.

Character of Firebreaks.

Firebreaks may differ also in character. In many cases mere trails or plow-furrows are sufficient, as in open yellow pine forests. Again, the removal of combustible material from a strip 5 to 10 feet wide and brush for a farther distance up to 50 feet on each side may be necessary. Sometimes also the felling of dead trees for a distance of from 100 to 300 feet on each side of the cleared strip will help to reduce the hazard and to insure the success of measures of control.

Maps.

Maps are required in the preparation of a firebreak system. They should show types of cover, lines of travel, and the location of natural fire barriers, such as water, landslides, glades, meadows, heavily grazed or barren areas, and cliffs, together with the proposed system of firebreaks.

Construction.

The construction of firebreaks will be handled in the same manner as other improvement projects. In recommending a firebreak a detailed report should be made showing cost, character, and utility not only for fire control, but as a means of travel. The estimates of cost should include expense of maintenance.

Lookout System.

Lookout points are of great value in discovering and locating fires, and on those Forests on which an extensive system of protection is to be adopted a complete system of lookouts is essential. Their establishment will depend on careful selection in the field and the preparation of a map which shows the area which can be controlled from each. Three kinds of lookouts should be distinguished—route, special, and main. Route lookouts are those from which a view over considerable territory can be obtained without leaving regular lines of travel. Special lookouts are those not on regular routes of travel, but which afford such a good view that their occasional use warrants their improvement. Main lookouts are those from which an exceptionally large territory can be seen and where it might pay to keep a permanent lookout.

Prevention.

Since the best way to stop fires is to prevent them, a fire plan must include a careful study of prevention methods. The development of a strong public sentiment against fires is of first importance. This may be fostered by public meetings, by the distribution of pamphlets, by news items in local papers, by explanations of fire policy to forest users and campers, and by instruction in the schools. The forest supervisor should issue detailed directions for the posting of fire warnings and other notices provided by the property clerk, and should adopt measures to prevent and detect incendiarism, and to insure the enforcement of State and Federal laws in regard to the use of fire by campers and ranchers and by those in charge of logging and railroad engines.

Cooperation.

Efforts should be made to arrange definite cooperation with timber owners or associations of timber owners, with States, with departments of the Federal Government, and with railroads and other industrial concerns that may either suffer from fire or constitute a source of fire danger. When the need of cooperation is evident the facts should be fully investigated and reported to the District Forester, by whom the agreement will be prepared. All formal agreements must be forwarded to the Forester (Reg. G. A. 7).

Protective Stipulations.

The use of Forest resources should be surrounded with all reasonable precautions against fire. All applications for timber, grazing, and special use should be scrutinized with this point in view; necessary stipulations against the setting of fires should be inserted in all contracts or permits.

No opportunity should be lost in getting the cooperation of permittees to assist the regular force in preventing, reporting, and suppressing fires. As far as payment for labor is concerned, the general policy to be followed in such cases is to pay permittees for services rendered in connection with fires which do not arise from their carelessness or from the use granted by the terms of their permit or contract. When, however, fires will seriously affect or permanently prevent the enjoyment of the use granted the permittees, they may reasonably be expected to furnish a certain amount of assistance free of charge; and the supervisors will take this fact into consideration in deciding the extent to which the permittees should be paid for services rendered in fire fighting.

Equipment.

Every Forest officer should know the amount and location of all fire-fighting equipment; implements, camp outfits at each station, tool houses and boxes on the Forest. To be sure of this there should be an annual inventory; if the inventory shows an insufficient supply of fire-fighting equipment, the deficiency should be made good at once.

Transportation and Supplies.

In addition to the inventory there should be lists of ranchers, liverymen, garages, and logging camps from which equipment and means of transportation can be obtained, and one of ranches and stores from which provisions, hay, and grain can be obtained promptly. Wherever possible definite estimates should be secured and tentative arrangements made before the fire season begins for such transportation and supplies as might be needed in case of fire. When such provision can not be made the purchase of pack trains, teams, and wagons or auto trucks should be considered. Permission for such purchases must be obtained from the District Forester.

Foremen.

To be forehanded the whole country in the vicinity of the Forests should be canvassed for experienced men who are capable of handling fire-fighting crews. When such men are found, terms of employment should be agreed upon and definite instructions given for action in case of fire.

Labor for Fighting Fire.

Forest officers will secure the addresses and telephone numbers of ranches, logging camps, mills, and power plants, from which labor may be obtained, and the amount and character of such labor; also, if possible, terms of employment should be arranged for in advance.

Location and Addresses of Forest Officers and Fire Wardens.

There should also be a list of the names, location, post-office addresses, and telephone numbers of all officers on the Forest and on adjoining Forests, the names of State and county fire wardens, of United States commissioners and road supervisors, and of officers of private fire associations.

Slash Burning.

It should be ascertained beforehand what ranchmen and loggers expect to burn slashings during the season, and, if possible, protective plans should be arranged.

Fire Fighting.

In fire fighting three kinds of fires may be distinguished: (1) Those which can be attacked directly—that is, smothered or beaten out; (2) those which can be attacked only by indirect methods, such as firebreaks, back firing, and the use of water or chemicals; and (3) those whose size, swiftness, and intensity render an attack wholly impracticable. In the last instance the things to be done are to determine the probable course and development of the fire, and then to take advantage of any lull which is likely to follow when the fire meets less combustible material, topographic barriers, wind changes, or rain.

Detailed Instructions.

Detailed instructions will have to be prepared by supervisors for each type of forest. These instructions should take into consideration, besides the in-

flammability of the cover, the topography, atmospheric conditions, labor and its pay, tools and equipment, subsistence, transportation, and communication.

Organization.

If a Forest is not liable to heavy damage from fire, and there is but little difficulty and low cost in fire protection, the regular Forest force can be depended upon to prevent and discover fires. However, provision should be made in advance for supplementing the regular force by outside labor, and for supplies and transportation in anticipation of possible fires beyond the control of the regular force. Forests which are liable to almost complete dstruction, and in which fires are extremely difficult to extinguish, need more intensive handling. This generally means not only the preparation for extra help, but the actual employment of special patrolmen for limited areas, the aim being to prevent fires and to discover and extinguish them at their inception.

Season of Low Hazard.

On all but a few Forests the regular force can handle the fire situation, except during the summer months. Except in this summer season, therefore, precautions for fire prevention and control involves only measures to insure the availability of equipment, labor, and supplies required for fire fighting, should a fire occur.

Season of High Hazard.

In summer, when the situation can not be handled by the regular force, even with the cooperation of local residents and industries, additional assistance is necessary. Extra men will be supervised by the regular force, except possibly when they are specially experienced in firework. The supervisor will determine the number and assignments of the extra force. The period of employment, and cost in wages and expenses, and other details will be given in the fire plan, and the routes or stations of the extra men will be shown on the accompanying map.

Supervision and Direction.

The district ranger will, if necessary, call on reconnaissance or improvement crews, and any officers engaged in field work in his district, to assist in emergencies in patrol work and in fire fighting.

Assistants to District Ranger.

Careful consideration should be given to the need of furnishing rangers, in charge of districts which have high liability and hazard, with men specially qualified in fire work.

Patrolmen.

As far as possible local residents should constitute a regular part of the patrol force. They may be employed as per diem guards or laborers; by this arrangement they will receive pay for services actually performed, or they may be employed as guards at salaries commensurate with the value of their services. When there is need, and where sufficiently effective patrol can not be obtained by such means, the employment of guards and laborers who will give all their time to patrol must be resorted to.

Instructions as to Duties.

When a patrolman or lookout man is placed on duty he should be furnished with complete information as to the district to which he is assigned, including a map showing the topography, routes of travel and communication, and other necessary data. He must be instructed in detail as to his duties. If the patrolman is not already familiar with the country, he should be assigned to duty sufficiently in advance of the danger season to enable him to become familiar with his district.

Control.

The district ranger will insure compliance with his instructions by personal inspection or by keeping in touch with the patrolmen by means of telephone. If, because of weather conditions, the fire danger becomes small, the district ranger will require the patrolman to engage on improvements and other work, which should be planned in advance.

Action on Discovery of Fires.

The first duty of the Forest officer discovering a fire is to determine its location and extent, its possible spread, and the amount of work required to extinguish it. An officer should be sufficiently familiar with conditions to determine,

even when he discovers a fire at a distance or when one is reported to him, what measures will probably be necessary to extinguish it. If there is a good chance that he can put out the fire alone, he should exert every effort to do so. If, however, it seems probable that he will be unable to extinguish it by his individual efforts, he should, if possible, decide at once on the number of men needed, select a good camping site, and then get immediate help, reporting the facts to the proper officer.

Fire Fighting.

The collection of men and supplies, their transportation to the fire, the establishment of camp, the arrangements for the preparation and distribution of food and drinking water, the organization of the crews, the attack on the fire, the timekeeping and the payment of the men, and precautions to prevent injuries should follow specific instructions given in the fire plan.

Reports.

The officer in charge of a fire should submit promptly a report of the fire on Form 874–6. For severe fires a special detailed report and map should be made. In reporting fires the following classes should be distinguished: (*a*) Small fires which burn not more than one-fourth acre; (*b*) fires which burn over more than one-fourth acre but not more than 10 acres; (*c*) fires which burn over more than 10 acres. This last class should be subdivided further: (*c–1*) Fires that inflict damage amounting to less than $100; (*c–2*) fires that do more than $100 worth of damage but less than $1,000; (*c–3*) fires that inflict damage to an amount greater than $1,000.

The supervisor's annual fire report, upon which the District Forester's report is based, is made on Form 926, which contains full instructions for its proper preparation.

PROTECTION OF WATER SUPPLY.

Importance of Protection.

Undoubtedly the greatest value of the mountain ranges of the West, most of which are within National Forests, lies in their influence upon the regularity of the water supply. In many of the States the mountains afford the only water supply for domestic use, for irrigation, and for the development of power. The future development of the entire region, therefore, will depend upon the amount of water and the manner in which it flows from the mountains.

Climatic conditions and geologic and physiographic formations are undoubtedly the principal factors which govern the precipitation and run-off, yet it has been proved that the vegetative covering has a very decided influence on run-off and probably a slight influence on precipitation. For this reason Congress made the preservation of conditions favorable to streamflows one of the principal objects to be sought in the establishment and administration of the National Forests.

Use of Forest Resources When Not Injurious to Protective Cover.

The preservation of the vegetative cover or its restoration, where it has been destroyed, will undoubtedly insure the conditions most favorable to an equable streamflow. Experience has shown that the value of the protective cover can be preserved by judicial use of both the timber and forage on the watersheds. The policy of the Service is, therefore, not to deny the use of any resource of the National Forests, except when it can be conclusively proved that such use will be injurious to the public interests.

Water Protection Plan.

In order to follow a definite and consistent policy with respect to the restriction of the use of the Forest resources for the purpose of protecting the water supplies, complete information must be collected as to the sources, the amount and use of water arising in the National Forests, the present condition of the vegetative cover on the watersheds as to its influence on run-off, and the special measures necessary to maintain the protective value of the cover. This information will be presented in the form of a definite water protection plan. This will include an administrative map and a report.

Map.

The administrative map will show the watersheds that supply water for municipal and domestic use, for irrigation, and for the development of hydroelectric power. It will include the location of ditches, canals, flumes, dams,

power plants, and other works; also the streams subject to disastrous floods and the settlements, mines, railroads, or other works in need of protection from snowslides.

Report.

The report will accompany the map of each important watershed and will cover the amount of water, the purpose for and extent to which it is used at the present time, the probable future use, the condition of the cover, and the special protective measures which are at present in force, with definite recommendations of measures which will be needed to meet future demands. Special protective measures include restriction of grazing, special uses, and settlement; possible modifications of lumbering, reforestation and range improvement, the appointment of extra patrolmen, and the construction of works for the prevention of fires, floods, snowslides, and the contamination of the water. The losses of revenue due to restricted uses and to the cost of extra men and works should be calculated.

The District Forester will forward a summary of the report to the Forester, together with his recommendations. The plan should be revised annually by the supervisor.

PROCEDURE.

Stipulations in Permits and Contracts.

It shall be the duty of every Forest officer before granting a permit for any use of the National Forests to consider its effect on the water supply, and when necessary to incorporate in the permit or contract stipulations which will afford protection from possible injury.

Cooperative Agreements.

To insure the sufficiency and purity of the water supply of a municipality or of an irrigation district, or to prevent floods and snowslides, the use of watersheds for grazing, timber, special uses, or settlement will be specially restricted by the Secretary when such restriction is necessary (Reg. G. A. 8). Applications for such restrictions should be made to the forest supervisor by city authorities or by petition of associations or interested citizens. The supervisor will submit a complete report upon the application, paying particular attention to the need and reasonableness of the restrictive measures requested, and the effect which the proposed restrictions will have upon established industries. The loss of revenue which will result from the restrictions should also be reported.

If the applicants do not desire a specific agreement, the District Forester may, if he considers the restrictions justifiable, issue the necessary instructions to the supervisor. If, however, the District Forester considers the proposed restrictions unjustifiable, he will forward the papers to the Forester, with a full report of his reasons for not granting the request.

When the applicants desire a definite agreement the District Forester will forward all papers and his report to the Forester. All agreements for restriction in the use of Forest resources to protect water supplies will be signed by the Secretary.

If special protective measures, such as the construction of fences, firebreaks, or other works, or the appointment of additional patrolmen, will be required, a stipulation should be inserted in the agreement defining the assistance to be given by the parties benefiting from the restriction of use.

The agreements should be prepared in quadruplicate, in accordance with the accompanying sample form. After execution by the Secretary and the proper representative of the applicants the original will be filed in the Washington office, and one copy each will be furnished to the applicants, the District Forester, and the supervisor.

Form of Agreement.

UNITED STATES DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY.

COOPERATIVE AGREEMENT FOR THE PURPOSE OF CONSERVING AND PROTECTING THE WATER SUPPLY OF _____.

THIS AGREEMENT, made and entered into this _____ day of _____, one thousand nine hundred and _____, by and between _____, of

_____, State of _____, through _____, its mayor,[1] and the UNITED STATES DEPARTMENT OF AGRICULTURE, through _____, Secretary of Agriculture, WITNESSETH THAT—

WHEREAS, The following described lands _____ comprising _____ acres, more or less, within the boundaries of the _____ National Forest, form a part of the watershed from which the water supply of the said city is obtained.

NOW, THEREFORE, for the purpose of conserving and protecting the water supply of the said city the Secretary of Agriculture agrees:

FIRST. That the use of said lands will not be permitted without the approval of the proper city authorities, except for the following purposes, to wit: Measures necessary for the proper protection and care of the Forests; the marking, cutting, and disposition of such timber as, in the judgment of the Forest officers, may be removed without injury to the water supply of said city; for the construction of roads, trails, telephone lines, and other means of transportation and communication not inconsistent with the object of this agreement; and for rights of way acquired under acts of Congress.

SECOND. That all persons employed on or occupying any of these lands for any purpose will be required to comply with the regulations governing National Forests, and to observe such sanitary regulations as may be proposed by the said city and approved by the Secretary of Agriculture.

THIRD. That, so far as practicable with the means at his disposal, the Secretary of Agriculture will extend and improve the forests upon these lands by seeding and planting and by the most approved methods of silviculture and forest management.

AND THE _____ FOR THE CITY OF _____ AGREES: That the said city will cooperate with the Forest Service in patroling the above-described lands for the enforcement of the regulations and the prevention and supression of forest fires; and that the additional guards rendered necessary by this agreement shall be appointed by and be directly responsible to the supervisor of the _____ National Forest, but their compensation will be paid by the said city.

The undersigned agree to the above propositions and agree to carry them out as far as they have official power and authority to do so.

City of _____,
By _____.
(Mayor.)

Attest:

_____.
(City Clerk.)

Witness:

_____,
Secretary of Agriculture.

Instructions to Carry Out Terms of Agreements.

When restrictive measures have been agreed upon between the Forest Service and municipalities or other applicants, the District Forester will issue definite instructions to the supervisor in regard to the manner in which the restrictive or protective measures will be put into effect. Record of restrictive measures should be kept on a map in both the District Forester's and the supervisor's offices.

PROTECTION OF THE PUBLIC HEALTH.

Every precaution must be taken by Forest officers to protect the public health. Regulation T–4–D provides that all persons on National Forest lands shall be liable to trespass proceedings if insanitary conditions result from their presence, and it is the duty of Forest officers to themselves conform to the provisions of this regulation and to enforce compliance with it by all campers, stockmen, permittees, and other persons traveling through or occupying National Forest lands.

All camp refuse and débris must be disposed of by burying or burning, and in large or permanent camps disinfectants should be used. The carcasses of all dead animals, when they are a menace to the public health, should be immediately burned or buried. (See Regulation G–25.)

[1] Resolutions of city council or governing authority of the city authorizing the signing of this agreement by the mayor should accompany the agreement.

The supervisor should see that the notice warning the public of this regulation is posted at the entrances to the Forests and at all camping grounds and at other suitable places.

When a Forest officer discovers insanitary conditions he will first request the trespasser to comply with the regulation, and if the trespasser refuses will take the necessary action to remove the nuisance and then follow the usual procedure for trespass cases.

FOREST PRODUCTS.

ORGANIZATION.

The aim of the Branch of Products is to promote the economical production and use of all forms of forest products. The work consists of investigations of physical, mechanical, and chemical properties of various species of wood, of conditions affecting these properties and the use of the woods in various industries, and of fundamental principles underlying various processes and methods of utilization. It includes also statistical studies relating to the production, value, and uses of various woods.

The work is centered at the Forest Products Laboratory, Madison, Wis. The direction of the laboratory is the administrative head of the branch and is responsible to the Forester for the technical methods used in all work and for the executive supervision of work conducted outside of the National Forest districts. Other offices of products are maintained in Districts 2, 5, and 6, and in Washington, D. C. When products work is required in District 1 or in Districts 3 and 4, the District Forester concerned will take the matter up with the director of the Forest Products Laboratory, who, upon approval of the proposed work, will make the necessary arrangements. In cases where a man is detailed for work in any of these districts he will report directly to the District Forester. All correspondence from the districts will be addressed to the director.

CHARACTER OF WORK.

Work conducted by the branch is along the following general lines:

Mechanical and Physical Properties and Structure of Woods.

Mechanical properties.—The tests of mechanical properties are primarily for the purpose of accumulating reliable information on the strength of various species and forms of timber. The results are of value to engineers, manufacturers, and other users of wood in enabling them to employ the various species and forms most advantageously, and frequently to substitute less well-known species for those which have been commonly used but are becoming scarce.

The work covers tests on small specimens to determine the properties of the clear wood, tests on structural sizes containing the defects ordinarily found in such timbers, tests on manufactured articles, and tests to determine the effect of preservatives, preservative treatments, and other commercial processes on the strength of woods.

Physical properties.—A knowledge of the physical properties of wood in general and of the various species individually is essential to the most efficient utilization of the material. Not only is such knowledge of importance in connection with the studies of structural and mechanical properties, but it is especially necessary for successfully conducting the investigations relating to wood preservation and other wood-using industries. The investigations cover studies of the fundamental physical properties, such as thermal properties, penetrability to liquids and gases, hydroscopicity and density; they include also experiments in air-seasoning, kiln-drying, and transformation of wood.

Relation of structure to properties.—The microscopic structure of wood is very closely related to its physical and mechanical properties and uses. A detailed study of the structure of various commercial species will be made, the results of which will be valuable in indicating the uses to which the species are best adapted and will assist in the determination of other properties and of the behavior of the woods under various treatments.

WOOD PRESERVATION.

The study of wood preservation deals with the protection or preservation of wood from decay, fire, insects, and other destructive agencies. Of these, decay

is the most important and is the one with which the investigations are mostly concerned. The work covers investigations of preservatives used, of processes for injecting the preservatives, and of the suitability of various species for treatment. It consists of laboratory experiments, of cooperative field work, and of tests of various forms and species of wood treated by different preservatives under actual conditions of service.

DERIVED PRODUCTS.

Besides the investigations which deal with wood as such, investigations are made of products other than wood derived from wood, bark, and leaves, and from the living tree. The purpose of the work is to increase the efficiency of the processes employed, to increase the yield of valuable products, and to discover means of producing new products. Such investigations make possible the utilization of parts of the tree now wasted and of species for which there is now little demand. The field covers the following lines of work:

Pulp and paper.—This work includes the study of the suitability of different species of wood for the production of paper pulp and the determination of the effect of the various fundamental processes on the quality and quantity of pulp produced. It covers the production of pulp by both mechanical and chemical means.

Wood distillation.—The investigations consist of (1) a study of new species; (2) of the development of more efficient methods of producing and refining the products secured; (3) the determintaion of the properties and uses of the products not readily marketable at present. Investigations are conducted both with hard woods and resinous woods.

Naval stores.—The object of this work is to determine the suitability of species other than the southern pines for the production of turpentine and rosin and to study methods of improving turpentine operations which will result in an increased yield of the valuable products and conserve the available supply of timber.

Other products derived from wood.—The field of work covers the production of tannins, ethyl alcohol, gas, and all other valuable products which may be obtained from wood or wood waste as the principal raw material.

STATISTICAL STUDIES.

The statistical studies deal with the extent of production and utilization of forest products, the occurrence and reduction of waste, and the increase of efficiency in the utilization of wood in the manufacture of various products. The field includes the collection in cooperation with the Bureau of the Census of statistics showing the annual production of the major forest products and the collection of statistics of quantity and kind of wood consumed by the various wood-using industries, the average prices of lumber f. o. b. mills and markets at representative points throughout the country, and of miscellaneous studies, such as the quantity of preservatives annually consumed for wood preservation.

SCOPE OF WORK.

The work outlined above necessarily covers two distinct fields: (1) Fundamental investigations, and (2) commercial application of principles determined by the investigations. The investigations are conducted primarily at the Forest Products Laboratory and at other stations which are provided with facilities for conducting experimental work. The study of commercial application is conducted in localities which may be most suitable for the specific problems under investigation.

In the study of the properties of wood, the selection of the species, form, and condition of material for investigation is the important consideration. The work will be confined mainly (1) to species at present used extensively in this country, and for which further knowledge of their properties, uses, and suitability for various uses is needed; (2) to species not at present used extensively in this country, but of which there is a sufficient supply to render them of commercial importance; (3) to various forms of waste which occur in sufficient quantity to be of commercial importance.

In the study of processes and methods, the selection of the processes and the fundamental features in their operation is the important consideration. The work should be confined mainly to (1) processes at present established and

used in the production of products of wide commercial importance, but whose efficiency may be increased by a more scientific knowledge of the fundamental principles involved in their operation; and (2) new or proposed processes which promise to increase the efficiency of production or of utilization of certain valuable materials.

In the statistical work, the needs of the other activities of the branch and of the entire Service will be kept constantly in view. In addition to those statistical studies which are conducted periodically at regular intervals, others will be undertaken from time to time as the needs of the wood-producing and wood-consuming industries or the other activities of the Forest Service may require.

COOPERATION WITH COMPANIES, ORGANIZATIONS, AND INDIVIDUALS OUTSIDE OF THE FOREST SERVICE.

In all of the work it should be the general rule to secure to as large an extent as is practicable the cooperation of the wood-using interests most directly concerned with the solutions of the problems. The exact terms of cooperation and desirability of undertaking such cooperation will be determined for each specific case in accordance with the following general policy:

(1) Whenever practicable, arrangements will be made with those especially interested in the investigation to be undertaken to furnish all or part of the material necessary for the work.

(2) Investigations of patented or proprietary processes, materials, or articles will be undertaken only when the results of the investigations are needed by the Service or will be of general public benefit. Such work will not be undertaken solely for the benefit of the individual or company interested. If undertaken, it is immaterial whether the company or individual is a cooperator to the work, but the arrangements should be such that the Service obtains the best conditions for making the investigation. In no case will a charge be made by the Service for the work, but the individual or company interested may furnish free of charge the materials or facilities for making the examination. In publishing the results of such investigations, the name of the process, material, or article tested should, when used, be preceded by a qualifying clause, such as "preservative sold as."

(3) The design, construction, and operation of commercial plants in wood preservation, wood distillation, kiln-drying, or similar work may be undertaken, provided the plant is to be used, at least for a time, for experimental work for the purpose of gaining information of which the Service is in need. If the Service would gain no new information from the operation of such a plant, its design, construction, and operation should not be undertaken, but all assistance and available information, including the designs and specifications for standard plants which may have been prepared, should be made accessible to the inquirer. In such cases the Service may also refer applicants to consulting engineers and may indicate what should be the approximate cost of plans and specifications as are desired, and when requested to do so may inspect such plans when prepared, and even at times detail a representative to demonstrate to the person or company who has constructed the plant improved methods of operation.

(4) The Service may on request make examinations of the methods of individuals, companies, or corporations in handling forest products and prepare plans for the improvement of such methods, provided that the purpose of the Service in undertaking such work is primarily to reduce the waste in handling and utilizing forest products and to obtain information that will be generally useful in the industry concerned. If no new information is likely to be obtained, work should not be undertaken and the applicant should, if possible, be referred to a consulting expert.

(5) In cases of active cooperation, such as is outlined in the two foregoing paragraphs, there should be a remuneration to the Service based on the total cost of the service rendered, including supervision, but such cost should be reduced by the extent to which the work is experimental. When practically all of the work is investigative and the results are of value to the general public, a large share of the cost may be borne by the Forest Service.

(6) In all work undertaken in cooperation with any company, organization, or individual the right to the first publication of the results will be reserved by the Forest Service.

DUTIES OF PRODUCTS MEN IN DISTRICTS.

Close attention should be given to problems arising in the utilization of forest products on the National Forests. To assist in this Products representatives are assigned to certain districts, their duties being as follows:

(1) To carry on investigations for administrative purposes at the direction of the District Forester. Such investigation should be closely coordinated with or made a part of the district work in Silviculture.

(2) To carry on investigations for scientific purposes in forest products, in accordance with the approved program of investigative work and under the direction of the Branch of Products. The duties and responsibilities of the District Foresters in reference to such investigations are stated in Service Order 41, and are identical with their duties and responsibilities in connection with other lines of investigative work in the districts.

Investigations for administrative purposes will have priority and should take precedence over scientific investigations, when necessary, in the judgment of the District Foresters, subject to the following procedure:

(1) The cost of investigations to secure information upon which to base timber sale contracts or policies will be paid from G. A. funds, except as noted below.

(2) When, in the opinion of the District Forester, it is deemed expedient to withdraw a man from general investigative work in Products and assign him to administrative work in connection with timber sales, the District Forester should:

(*a*) Notify the chief of Products in cases where it is necessary to make other arrangements for continuing the investigative projects.

(*b*) Provide for the expenses incident to the administrative assignments from G. A. funds and not from funds allotted for the investigative projects in Products.

(3) When it is necessary for a man assigned to general investigative work in Products to devote only a part of his time to administrative assignments, and such assignments do not materially interfere with his investigative work, his entire salary may be paid from the allotment for Products, but in all cases the traveling and other expenses incident to administrative assignments should be paid from G. A. funds and charged to timber sales. When the full time of the man is required for such administrative assignments he should be transferred from the general investigative work to timber sales, and other provision made for conducting the investigative projects which have been assigned to him.

DUTIES OF SUPERVISORS IN RELATION TO PRODUCTS WORK.

That the Products work in the districts may be of most value to the administration of the National Forests, it should be the duty of the supervisor to request the District Forester for information regarding the strength or other properties of wood on their forests; to call to the attention of the District Forester the unmarketable species on their forests which occur in sufficient quantities to warrant an investigation of their properties and suitability for pulp, alcohol, turpentine, or other wood products, and also to cooperate with the Products representatives in investigating the supply and demands for stumpage upon their forests, the extent, character, and cost of logging operations in the vicinity, the use and manufacture of different classes of timber, and the demand for various forest products. They should ascertain possible uses for dead timber, inferior species, and material not used in current sales, and should make every effort to promote the use of such classes of material by informing possible purchasers. In this connection the work of Products will closely correlate with that of timber sales.

In the permanent improvement work on the Forests the supervisor will be given all possible assistance in applying a proper preservative treatment to the timbers used, such as poles, posts, etc. When in the judgment of the supervisor a preservative treatment is advisable and practical, he should communicate with the District Forester before such timbers are put into use. If a preservative treatment is decided upon, it should be given in accordance with the instructions contained in the publication entitled "Instructions for the Building and Maintenance of Telephone Lines on the National Forests."

At the discretion of the District Forester, small experimental treating plants will be constructed and operated on or near National Forests where they will be of value to the Forests and to the community. The object of such plants will

be to educate the people in the use of wood preservatives and to promote economical utilization. Recommendations for the establishment of such plants should be made to the District Forester by the supervisor.

In general, the district office, as well as the Madison Laboratory and other stations, will, so far as possible, give assistance and information to individuals or organizations in developing and carrying out systematically the practical utilization of all Forest products.

IMPROVEMENTS.

POLICY.

It is but natural, from their situation, that the National Forests represent pioneer conditions. For a long time it will be necessary to expend time and money on the construction of improvements which will afford security against fire and make the resources of the Forests fully available. Not only will the fund specifically appropriated be used, but, so far as may be permitted under the terms of the appropriations for general expenses, such work will be carried on in connection with general administration. In all cases the classes of improvement work which afford security against fire will be given preference over those classes which help to make the Forest resources available. Proper protection and the fullest use of the Forest resources depend mainly upon facilities for transportation, communication, and control. All parts of the Forests should be accessible by roads and trails; there should be telephone communication between settlements and Forest officers' headquarters and with lookout stations; and in most cases suitable living accommodations must be provided for the field force. For the fullest use of the forage resources water for live stock may have to be developed and range fences constructed; to reduce the hazard and the cost and difficulty of controlling forest fires, firebreaks and other works must be constructed.

The construction and maintenance of improvements require the most rigid economy consistent with the fulfillment of their purposes, particularly since they afford greater opportunity for inefficiency and extravagance than any other line of work. Because of these facts all plans for improvements demand the most careful consideration both as to preparation and execution. The Forest Plans section of the Manual provides that the improvement plan shall be shown on a map or maps supplemented by reports which cover the need, character, and cost of the projects.

TRANSPORTATION.

Adequate facilities for travel and transportation are of first importance. Trails and roads may be constructed by the Forest Service, but steam or electric roads and boat lines operated by private interests are to be utilized as a part of the transportation system, available for use by Forest officers.

Transportation Plans.

The need for extension of transportation routes on each Forest should be determined by the District Forester from information prepared by the supervisor. This information will show for each ranger district the number of miles of roads and trails or other means of travel for each township, the total value of the Forest property, the rental value, the fire liability, and the annual cash and unrealized revenues. If it is desired to show a percentage of accessibility, twelve (12) miles of road or trail to each township should be taken as the standard. Territory which can be readily traveled by saddle horses and by boat is to be classed as provided with standard means of transportation. Such territory should be appropriately designated on the improvement map.

Map.

Plans for extending the transportation system will be shown on a map on which the existing routes are also shown. It should be supplemented by estimates of cost of the projected improvements, the estimates to be in sufficient detail to indicate the character of the construction. Methods for the location and survey of roads and trails are given in the Instructions for Making Forest Surveys and Maps.

Roads and Trails.

All roads and such trails as will eventually be widened into roads should, when it is feasible, be surveyed by a competent engineer. The ultimate neces-

sary road system should be determined, and those roads which unquestionably will be built should be located immediately and the right of way secured against alienation.

A system of roads should be planned which will place every portion of the Forest within a distance of at least 7½ miles of a wagon road, and it will be the aim of the Service to complete such a system as soon as practicable. A pack train can then transport supplies from the point to which they are delivered by wagon to any field camp and return in a single day.

Bridges.

Bridges other than very simple ones should be planned in detail so that the District Forester can approve their design and method of construction.

Water Transportation.

When navigable waterways present means of transportation the improvement plans should include estimates for the construction or purchase of boats, launches, or ferries.

Speeders.

When they can be used without too great danger and when the permission of the owners can be obtained the use of speeders, motor cars, and hand cars on railways and logging railroads should be carefully considered, and their utility and cost should be set forth in the improvement report.

Purchase of Equipment.

The purchase, rather than the hire, of pack animals, teams, wagons, scrapers, road graders, stump pullers, and other road-building equipment should be considered if it is evident that a very effectual saving can be made. The possibility of using this equipment in fire protection will also influence its purchase. In reporting on the purchase of horses or other live stock, the cost of maintenance, including wintering, should be given particular attention.

COMMUNICATION.

Of scarcely less importance than the system of transportation is the system of communication, which includes telephone lines, signal systems, and mail service.

Signals.

In the absence of telephone communication a signal system may be devised, though it has been found that they are not satisfactory even under the most favorable conditions; they should, therefore, be considered as a temporary makeshift, to be replaced by telephone communication as soon as practicable. If a supervisor desires to adopt a signal system, he will report to the District Forester, describing in detail the particular system which he wishes to install. If approved, the District Forester will issue definite instructions for its installation.

Mail Service.

While the Post Office Department is extending its service just as rapidly as conditions warrant, it may happen that, owing to the rapid development of the National Forests, the Post Office Department is not fully informed of the need for additional service. When the supervisor becomes satisfied that additional service is justified he should lend such assistance as may be proper to residents who may petition the department for increased mail facilities, or he may report the situation to the District Forester. If the District Forester approves, he may prepare a Secretary letter addressed to the Postmaster General describing the situation and requesting additional service.

Telephones.

Telephone communication is indispensable to fire protection and to quick and efficient methods of conducting National Forest business. After the transportation system has been reasonably developed, telephone communication is of the greater importance and should be given precedence.

The ultimate telephone system on the Forests will undoubtedly represent a very large investment and the maximum efficiency and service must be aimed at. Full details of construction are given in the circular "Instructions for the Building and Maintenance of Telephone Lines on the National Forests."

Telephone Plans.

The plan for a telephone system will include a map and a report. The map will show existing Forest Service and private lines and their character, and the location of exchanges and instruments, also the location and character of all new construction which will be necessary to meet the needs of Service business during the next five years. In addition, the map should show high-power electric transmission lines, roads, trails, ranger stations, lookouts, and all other points which may influence the establishment of the system.

The report will discuss, in the order of their importance, the proposed new lines, their need, location, character, and cost. The telephone systems should be grouped by natural divisions and each division designated by its two terminals. A branch line should be designated by its terminal and the divisions of which it is a branch.

The District Forester will prepare, from the information furnished by the supervisors, a map of the entire district, showing the existing and proposed lines; this will insure coordination of plans between the various Forests and with the private systems. He will then issue instructions covering the general plan of the telephone system for each Forest.

RANGE IMPROVEMENT.

For the complete and most economical use of the forage on the Forests, water may have to be developed and fences, corrals, bridges, trails, and other works constructed. Since such works directly benefit the stockmen, the Forest Service will allot funds for their construction only in exceptional cases when the benefit to the Forest plainly warrants the expenditure. The expenditure of funds for these purposes can sometimes be made more effective if the assistance and cooperation of interested stockmen can be secured.

The location and character of works needed for this purpose should be shown, so far as possible on the improvement map, supplemented by a report describing the conditions which indicate the desirability of their construction, and the specific nature of the works proposed, and their cost.

TIMBER SALE IMPROVEMENTS.

Generally, timber operations on the National Forests are so extensive that the purchaser can be expected to construct all the works necessary for the removal of the timber, and the usual policy of the Service will be to offer no assistance in the actual construction of such works. If, however, bodies of timber can be made accessible to small operators and the sale of timber made certain by the construction of roads, chutes, or flumes, or by clearing streams for driving, these works may be undertaken by the Service, and the supervisor should include the necessary recommendations, with a description and estimate, in his improvement plans.

PROTECTIVE IMPROVEMENTS.

Firebreaks, lookout stations, and other works required to protect the Forests from fire are dealt with in the Forest Fire Potection Plan. In the improvement report the supervisor should include a summary of the works of this character, and give a very brief description and estimate of their cost.

Ranger Stations.

Buildings may be constructed for the field force to afford necessary shelter and to furnish an office for the efficient transaction of business. Land may be cultivated for the economical production of forage crops, and fences built to insure needed pasturage for live stock used by Forest officers in their work. The buildings may be substantial houses to be used throughout the year, or they may be merely such structures as will afford the necessary shelter and domestic conveniences for officers during summer. These summer camps should be constructed where needed for the use of patrolmen, officers in charge of timber sales, or at such points as will serve the needs of officers traveling through the Forest.

Cost.

Under the provisions of the appropriation act of March 4, 1911 (36 Stat., 1246), the cost of any building shall not exceed $650. It is expected, however, that this limit will not be reached, except possibly in the case of rangers' headquarters. Summer quarters ordinarily should not cost more than $150.

Barns, sheds, and other small structures may be constructed at ranger headquarters when needed. Corrals may be built in connection with barns or pastures.

Office buildings may also be constructed for the use of district rangers or for summer headquarters of the supervisor when the necessity can be shown.

Plans for the erection of buildings or fences, to insure pasture or crops, will include a map to show their location and a report setting forth their need, character, and cost. In preparing plans and specifications for buildings the designs given in "Standard Plans for Buildings" should be consulted.

Survey of Administrative Sites.

As rapidly as possible, all administrative sites used as headquarters for Forest officers should be accurately surveyed and mapped on a scale of not less than 4 inches to the mile. This map should show topography, cover, soil, and the location of all improvements. The accompanying report should describe conditions and improvements, and should outline plans for the future development of the site for administrative purposes.

PROCEDURE.

Allotments.

Allotments to the Forests from the improvement fund will be made by the District Forester, in conformity with the improvement plan, to provide for the construction of specific projects. Allotments will also be made, on the basis of the supervisor's annual estimates, for specific projects of maintenance of improvements, which can not be carried on by the regular field force in the time available for such work. Specific projects which have been approved and allotted for can not be abandoned without the approval of the District Forester. Supervisors may transfer a part of the funds allotted for one approved project to another project, provided the transfer does not involve the abandonment of any project.

Improvement Contingent.

A contingent fund of approximately 5 per cent of the improvement allotment to the district should be reserved at the beginning of the fiscal year by the District Forester. Allotments to complete the more important approved projects, the cost of which has been underestimated, should be made before this contingent is subsequently allotted to new projects of equal or lesser importance.

Cost Keeping.

The cost of each project will be kept separately. In the case of large projects a classified cost record should be kept; this will serve as a measure of efficiency and also as a guide in future work of the same character.

Annual Statistical Report (Form 446).

Supervisors will include in their annual statistical report (Form 446), for each class of improvement: (1) The amount completed at the beginning of the fiscal year for which the report is to be made; (2) the amount made during the fiscal year; (3) the total to June 30 (being the sum of 1 and 2); and (4) the present value of the total improvement, estimated on the cost of replacing it, both labor and material, less the depreciation if the improvement is not now practically as good as new.

Cooperation.

Many of the improvements proposed will be of service to the general public, and every effort should be made by the supervisor to obtain the assistance and cooperation of individuals and of the county authorities in the construction of such projects.

Rights of Way.

Rights of way for telephone lines should be obtained by purchase. The form, a sample of which has been issued to the supervisors, should be used. Ordinarily the nominal sum of $1 should not be exceeded in purchasing rights of way.

Rights of way for roads and trails will generally be granted free of charge by landowners, but when they can not be so obtained and the road or trail is an important one, the assistance of the county should be sought to have a right of way condemned.

Title to Lands for Improvement.

Buildings and other structures should be erected only on withdrawn administrative sites or on National Forest land, which has been properly posted. If Government land is not available the land should be leased. The policy outlined under "Quarters" should govern supervisors in the matter of leasing land.

Signs.

All trails and roads in or outside the Forests used by Forest officers in the transaction of their duties, and all streams and other prominent natural features should be provided with suitable direction or identification notices or signs.

Disposal of Débris.

All débris and refuse resulting from improvement work should be properly disposed of in order to reduce the fire hazard and to insure neatness and cleanliness.

Contracts.

Improvement work can often be performed more economically by contract than by day labor. Contract work, to be successful, requires extreme care in drawing up the specifications and close supervision on the ground during construction. In order to guarantee a satisfactory fulfillment of the contract, it may be necessary, in some cases, to detail a Forest officer to the project until it is completed.

Request for Bids.

When the supervisor decides to let a contract for improvement work he will prepare the request for bids on Form R. The specifications should describe the project in minute detail. In addition to the quantity of material required the quality should be stated. In every case where it is necessary to give a clear understanding of the project the form should be accompanied by blue-print drawings or plans. All accompanying papers should be securely fastened to the form and upon it should appear the statement, "In accordance with the attached plans and specifications which form a part of this bid."

Bids should be sent to as many prospective bidders as practicable, and every effort should be made to secure the best possible terms for the Government. The procedure which covers the authority of officers to accept bids is given under paragraph 25 of the Fiscal Regulations.

THE PURCHASE OF MATERIAL.

Contracted Materials.

Contracts for certain classes of material used in improvement work are let by fiscal years. Notice will be sent supervisors before July 1, giving the names of successful bidders and the contract price for each class of material. Supervisors will order material for which an annual contract has been let only from the contractors.

Care must be taken to furnish exact shipping directions, together with a Government bill of lading, and instructions regarding its use, whenever material is ordered.

Purchase of Barb Wire.

Barb wire is ordered and charged for by pounds, but furnished in reels, which are not exactly uniform in weight. Consequently the total pounds furnished may be little more or less than ordered. The following model may be used in preparing Form A, to be sent when an order for barb wire is placed:

_____ reels 2-pt. galvanized Glidden barb wire,
_____ pounds,
at $3.05 per cwt.
Annual contract.

If the signed voucher when received from the company checks with the shipment, it should be certified and mailed to the District Forester for payment; otherwise a new form should be prepared and returned to the company for signature, together with a letter of explanation. An addressed franked envelope should always be included with orders. The weights per mile of the two kinds of wire usually furnished under contract are as follows:

	Pounds.
2-pt. galvanized Glidden barb wire, approximately	330
2-ply barbless wire, approximately	310

Standard Telephone Equipment.

Before ordering material for telephone construction the circular "Instructions for the Building and Maintenance of Telephone Lines on the National Forest," should be consulted to secure conformity with the standards of construction and equipment prescribed therein.

Telephone Wire.

In ordering telephone wire the amount desired should be given in miles, although payment is made by the pound. No. 12 BB. wire weighs approximately 165 pounds per mile and No. 9 BB. about 330 pounds. Both wires are furnished in one-half-mile coils.

The following form is a model Form A to use when telephone wire is being ordered. If a voucher covers both annual contract and uncontracted material, the words "Annual contract" should be placed opposite each item which is on the contract list, instead of being written at the bottom of the Form A.

6 miles (____ pounds) No. 12 BB. galvanized-iron telephone wire, at $3.89 per hundredweight.
2 miles (____ pounds) No. 9 BB. galvanized-iron telephone wire, at $3.68 per hundredweight.

(Annual contract.)

"U. S. F. S." Stock.

The contract price for the current year should always be stated on the voucher. In ordering, the statement should be made that the wire is to be shipped from the stock sealed and stamped "U. S. F. S.," and shipments received without this seal and stamp should not be accepted.

Iusulators and Brackets—Instruments.

Insulators and brackets are included in the annual contract. In the case of instruments and extension bells, the type should be given, whether 1,000, 1,600, or 2,500 ohm resistance, and orders for all other equipment and tools should conform as nearly as possible to the names and descriptions used by the company. Catalogues or booklets of the accepted bidders for different classes of material will be furnished supervisors each year.

PURCHASE OF IMPROVEMENTS.

When there are suitable quarters or other improvements on an unperfected entry within the Forest, and the claimant desires to relinquish his claim and dispose of the improvements, their purchase may be considered.

In such cases the policy and procedure outlined in Reg. L–41 and in the instructions covering Administrative Sites (p. 53) and under Quarters (pp. 19–21) should be followed strictly.

After the relinquishment has been made and the purchase authorized by the District Forester, the supervisor will complete the purchase and submit the Form A to the District Forester, together with a bill of sale (which must be properly witnessed and acknowledged), executed by the former owner. In no case can the purchase price of a building exceed $650.

Relinquishment of Unperfected Entry.

The land on which purchased improvements are situated must pass to the control of the United States by lease if patented, and in such case the lease must contain a clause providing for retention by the United States of title to the improvements and the right to remove them at the expiration of the lease, or by lease or relinquishment if an unperfected entry. (See Quarters—Leasing Ranger Stations, p. 20.) The relinquishment must be entirely voluntary (see Reg. L–41), must be on the regular land office form, and must be filed in the proper land office before payment for the improvements will be made. A copy of it will be forwarded with the Form A and the bill of sale to the District Forester.

PROPERTY.

CUSTODY AND ACCOUNTABILITY.

Responsibility.

Each member of the Forest Service will be held responsible for the proper use and protection of any Government property which may come into his

custody or control in any manner whatsoever. Economy must be observed in requisitioning or purchasing supplies and equipment. Articles must not be requisitioned or purchased unless the need for them is established, nor should they be obtained in excessive quantities. Expensive articles must not be used when cheaper articles will answer the purpose equally well.

Individual Accountability.

Each member who receives property must receipt for it, and in addition to assuming responsibility for its proper use and protection must account for it as prescribed in the following procedure. Having receipted for a nonexpendable article, a member will be relieved of responsibility and accountability only on a receipt from another member after a duly authorized transfer of the article has been made, and the transfer has been recorded by the property auditor, or by an approved certificate of loss or sale, or by reimbursing the United States for the value of the article. No receipt should be signed until its correctness has been verified, nor until the articles to be receipted for have been checked and actually delivered to or placed at the disposal of the member signing the receipt. The fact that these precautions were not taken will not relieve the member from responsibility in the event that a discrepancy is discovered after the receipt has been signed and the member has been charged with the articles on the records of the property auditor.

Service Accountability.

A record of all the property of the United States in the custody of the Forest Service will be kept by the property auditor. The record of improvements on the National Forests will consist of signed maps and returns, filed annually by the supervisors, through the District Forester, which will show the kind, number, and cost of all improvements existing at the date of the return.

The record of nonexpendable property will show the total number and value of all the articles in the Service and the number and value of each article charged to the members individually.

The record of expendable property will show the kind, quantity, and value of the articles (including printed forms) obtained for use during the preceding fiscal year and on hand in depots at the end of the preceding fiscal year.

Expendable and Nonexpendable Property.

All articles of supplies and equipment used in the Service, whether fabricated, purchased, or requisitioned, are deemed nonexpendable, and must be accounted for to the property auditor, except those specified in the List of Expendable Articles (Form 262). This list will be furnished upon request by the property auditor.

Supply Depot, Ogden, Utah.

A depot of supplies is located at Ogden, Utah, where a stock of standard articles of equipment, supplies, and blank forms is carried. The depot is provided with facilities for the printing of letterheads and for the manufacture of rubber stamps. A field purchasing agent is located at the depot to facilitate the prompt purchase of standard articles and to assist the District Foresters and Forest supervisors in procuring supplies and equipment other than standard when authorized by the Forester.

Requisitions.

Standard supplies and equipment (see Form 261, List of Standard Articles of Equipment and Supplies, and Form 258, Index of Standard Forms), may be procured upon requisition on the property clerk. Requisitions for standard articles for use on the National Forests must be signed by the supervisor, and for other administrative units and for field parties by the officer in charge. Requisitions for supplies and equipment other than standard articles must be signed by the District Forester or by an equivalent executive officer.

Requisitions must be in duplicate on Form 668. One signed copy will be sent to the property clerk without a letter of transmittal, unless an explanation is necessary. The other copy will be retained for checking the articles when received from the property clerk. On the first day of January, April, July, and October of each year supervisors, chiefs of maintenance, and officers in charge of experiment and other field stations will make requisition for the equipment, stationery, office supplies, and printed forms required in their work, respectively, during the ensuing three months. Each sheet must be marked "Quarterly Requisition." The property clerk is not expected to fill

quarterly requisitions immediately upon their receipt. All other requisitions, however, will be filled promptly, and any delay should be reported to the property clerk by letter and a copy sent to the District Forester. Quarterly requisitions should be made as complete as possible, and special requisitions should be avoided, since this will facilitate the economical and efficient handling of the work at the supply depot.

Shortage or Error in Shipment.

Shipments will be carefully checked and responsibility for error fixed before leaving the supply depot. Upon receipt of a shipment the consignee must at once unpack it and check the articles against the retained copy of the requisition and the invoice Form 939. If any discrepancy is discovered, the property clerk or other consignor must be immediately informed.

Methods of Shipment.

Supplies will be sent by mail under frank when practicable, and all shipments so made must comply strictly with the regulations of the Post Office Department. Copies of these regulations are obtainable from the supply depot.

Large shipments will be made on departmental bills of lading, by freight, but may be made by express when necessary. Shipments should not be prepaid except when the transportation company is engaged in local business only and refuses to accept the shipment on department bill of lading.

The headquarters of some supervisors are located in towns remote from the railroad, but reached by stage lines with which express companies have no connection. Shipments on bill of lading to these points will be made to the nearest or most covenient station from which, by previous arrangement, the shipment will be forwarded to destination. When this is done notation of the fact will be made on Form 939 and on the package. In such cases the forwarding charges only should be paid by the consignee, for which a receipt showing rate and weight must be taken and submitted with the monthly reimbursement account or with a Form A voucher. When the payment of charges is demanded on shipments which are marked "Prepaid in full to destination," the consignee should secure definite information from the consignor before making payment.

Property Procured by Purchase.

Forest officers (except a purchasing agent) making a purchase under a letter of authorization of expendable or nonexpendable articles will prepare three copies of Form 939. One copy will be retained as an invoice. A second copy will be signed as a receipt and sent with the voucher covering the purchase to the district fiscal agent. The third copy will be sent to the property auditor. This is required whether the settlement is on Form 4 or on Form A voucher. The property auditor, upon receiving the copy from the district fiscal agent, with his indorsement of payment thereon, will indorse upon the copy received from the member making the purchase a certificate that the nonexpendable articles have been charged, and return it to the member. Reimbursement vouchers (Form 4) containing property will not be paid unless accompanied by Form 939.

A purchasing agent making a purchase of property under a letter of authorization will prepare, by carbon duplication, two copies of purchase order, Form 942, and two copies of Form 939. He will keep one copy of the Form 942, and sign and send the other copy to the dealer, with a properly prepared Form A voucher, to be signed by the dealer and returned to the purchasing agent. When necessary he will send the dealer a department bill of lading with the order and voucher. He will initial the Form A voucher returned by the dealer and send it to the member to whom the property is to be charged. At the same time the order is sent to the dealer the purchasing agent will send one copy of the Form 939 to the member and the other copy to the property auditor.

The member, upon receipt of the property, will enter in the spaces provided on the copy of the Form 939 received from the purchasing agent the condition of the property and the date of its receipt. He will sign the Form 939 as a receipt, and the Form A voucher, and send them to the district fiscal agent.

When the voucher is paid the district fiscal agent will enter the number of the paid voucher on the Form 939 and send it to the property auditor.

The property auditor will charge the nonexpendable property to the member and send him the copy of the Form 939 received from the purchasing agent, with a certificate indorsed thereon that the nonexpendable property has been charged.

Forest Custodian.

The District Forester will designate a custodian for each Forest, who will be accountable for the equipment used on the Forests. He may, in his discretion, designate either the supervisor or the forest clerk as custodian, and when the latter is designated the supervisor should be instructed to transfer, on Form 939, all the property with which he is then charged on the records of the property auditor. Before making a transfer of this kind the supervisor should prepare a property return and forward it to the property auditor, by whom it will be verified and returned to the supevisor. The property return should then be made the basis for the transfer to the forest clerk. This procedure will be followed in subsequent transfers. The supervisor will be held responsible in all matters relating to the supplies and equipment used upon the Forest, except for their custody and record when the clerk is custodian. He is responsible for furnishing adequate quarters for storing and means for protecting supplies and equipment, even though the clerk is designated custodian. Instruments and other nonexpendable articles must be kept under lock, and the key will be retained by the custodian.

Property Procured by Transfer.

When expendable property is issued by a property clerk to a custodian two copies of Form 939 will be prepared and signed by the property clerk. He will keep one copy and send the other to the custodian to whom the property is issued.

Transfer of nonexpendable property between members of the Service, except as provided under property accounting on the National Forests, will be made in accordance with the following procedure:

When nonexpendable property is transferred by the property clerk to a custodian three copies of Form 939 will be prepared and signed by the property clerk as invoices. He will send two copies to the property auditor and the third to the custodian.

The custodian, upon the receipt of the property, will enter, in the spaces provided on the Form 939 received from the property clerk, the condition of the property and the date of receipt; he will sign it as a receipt and send it to the property auditor.

The property auditor, upon receiving the Form 939 from the custodian, will credit the property clerk and charge the custodian with the property transferred. He will indorse upon the two corresponding forms (939) received from the property clerk a certificate of the transfer, and send one to the property clerk and the other to the custodian.

The property clerk or other custodian who transfers property is not relieved of accountability until the receipt of the member to whom the property is transferred has been received by the property auditor and the transfer has been recorded.

On Forests where the supervisor is custodian nonexpendable property received in his absence will be receipted for on the Form 939 by the acting supervisor in this manner:

"JOHN JONES, *Supervisor.*
"By WILLIAM SMITH, *Acting Supervisor.*"

This procedure will be followed by other members in charge of executive offices or field stations.

Property to Individuals.

When property is transferred to a member as an individual and not as an officer in charge, he must sign the Form 939.

When nonexpandable property is furnished for temporary use by a custodian to another member a receipt will be taken, but the transaction will not be reported to the property auditor, unless the member fails to return the property within the time agreed upon, in which event a transfer should be effected in the manner herein prescribed.

PROPERTY ACCOUNTING ON THE NATIONAL FORESTS.

Custodian's Record.

An account will be kept on property record cards (Form 331) of all nonexpendable articles obtained by the supervisor through purchase or requisition. This account may include, in the discretion of the supervisor, expendable articles also. The cards will be filed alphabetically by names of articles, and

will show the total number of each article, number of each issued to subordinates, and of those kept on hand for distribution. Each transaction which affects the property on a Forest, whether by purchase, transfer, certificate of loss or of sale will be immediately entered on the proper card or cards (Form 331).

The account with "stock" will include only those articles actually placed in stock or transferred thence to or from an individual. In all respects the account with stock should be handled in the same manner as those with individual members.

Property issued by a custodian to a Forest officer will require the preparation and signature by the custodian of two copies of notebook Form 874–16, which will then be sent to the officer. The officer will, upon receipt of the articles, sign both copies, and return one to the custodian and keep the other.

Property returned to a custodian by a Forest officer will require the preparation and signature by the officer of two copies of notebook Form 874–16, which will then be sent the custodian, who, upon receipt of the articles, will sign both copies and return one to the officer.

Property transferred between officers will require that the officer from whom the property is received will prepare and sign three copies of notebook Form 874–16. He will send one of them to the recipient of the property and the other two copies to the custodian. The recipient will, upon the receipt of the property, sign the Form 874–16, which has been previously signed by the transferring officer, and send it to the custodian. Upon receiving the Form 874–16, which has been signed by both officers, the custodian will sign the two copies received from the transferring officer and send one of them to each of the officers concerned. The transfer will at the same time be entered upon the proper card (Form 331), and the transfer receipt (Form 874–16), signed by both officers, will be filed behind a guide card bearing the name of the officer to whom the property was transferred. A notation of the transfer will also be made on the original receipt of the officer who transferred the property.

Property temporarily transferred between officers requires only that a receipt be taken on Form 874–16. The transaction will not be reported to the custodian unless the recipient fails to return the property within the time agreed upon, in which event a permanent transfer should be effected in the manner heretofore prescribed.

The same procedure will be followed when nonexpendable property is furnished for temporary use by custodians to other members of the Service.

Ranger's Record.

The copy of the Form 874–16, signed by the custodian, will constitute the basis for the ranger's record of the property in his custody. Not less than once a year each ranger and all other subordinate Forest officers will, by direction of the supervisor, submit to him in duplicate on Form 874–16 a signed list of the property in his custody. As soon as the correctness of the list is established both copies will be signed by the custodian, who will keep one and return the other to the ranger, when all previous Forms 874–16 relating to the account can be destroyed.

The custodian may, in his discretion, prepare the return and forward it to the ranger for verification and signature.

Loss of Property.

Property lost or stolen must be promptly reported to the District Forester on Form 858, in duplicate, when the member charged with it is satisfied it can not be recovered. The member charged with responsibility will not be relieved unless the statement made on Form 858 shows, beyond doubt, that every reasonable precaution had been taken to prevent the loss or theft; and that every reasonable effort toward recovery was made. When tools or equipment are left for a time in unoccupied cabins, it is required that reasonable precautions be taken to secure the articles against theft. When the property for which the custodian is accountable is lost by any other member than the one to whom it had been issued, the certificate on Form 858 must be signed in duplicate by the member to whom the property was issued, and authenticated by the supervisor or other officer in charge, in the space provided.

The District Forester will, by indorsement in the space provided, on Form 858, either relieve the member from, or charge him with, responsibility for the loss, and will send both copies of the Form 858 to the property auditor.

When the member is relieved from responsibility for the loss the property auditor will credit him on the record and will certify on the Forms 858 received from the District Forester that the decision of the reviewing officer has

been complied with, and that the necessary entries have been made on the property records, and will send one of the forms to the member.

When a member is charged with responsibility for the loss of the property, the property auditor will enter upon the Form 858 the cost value of the property. He will prepare a letter of transmittal (Form 861) to the district fiscal agent at Ogden, Utah, and send the Form 861 and the original of the Form 858 to the member, keeping the duplicate Form 858 in a temporary file. The member will remit the value of the property to the district fiscal agent at Ogden, accompanied by the Forms 861 and 858. Upon receipt from the district fiscal agent of the Form 858 with the certificate thereon that payment has been made, the property auditor will credit the member on the record and send him the Form 585 with a certificate thereon that the necessary entries have been made on the property records to close the account.

Each article lost must be reported on a separate certificate of loss (Form 858); provided, however, that any number of articles lost at the same time and under the same circumstances will be included on one certificate (Form 858). For example, all the articles contained in a lost shipment will be included on one certificate. Report of lost property will not be made on the same Form 858 with report of unserviceable property condemned or abandoned.

Abandonment.

Worn and damaged property and inexpensive camp equipment in possession of field parties may be abandoned in the field when it is impracticable to return it for condemnation as herein prescribed. An explicit statement of the date, cause, and location of an abandonment must be forwarded immediately to the District Forester on Form 858 in duplicate. The action to be taken will then follow the procedure for lost property.

Condemnation of Property Having no Sale Value.

Nonexpendable property worn out or damaged beyond repair which has no sale value will be retained when the supervisor is custodian until it can be inspected and condemned by the District Forester or his authorized representative. Supervisors who have been relieved of the custody of nonexpendable equipment on the Forest by transferring the custody to the forest clerk are authorized to inspect, condemn, and destroy nonexpendable equipment which is no longer serviceable and is beyond repair and which has no sale value. A certificate will be prepared and signed by the custodian on Form 858 in duplicate, on which the inspector will also certify that the property has been inspected, condemned, and destroyed. Both copies of the certificate (Form 858) will be submitted for the approval of the District Forester. The copies will then be sent to the property auditor, who will credit the member on the records and inform him of the action taken by an indorsement on one copy of the certificate.

Instruments of which replaceable parts become broken should not be condemned and destroyed, but requisition should be made upon the property clerk for new parts, which will be classed as expendable. Calipers, for instance, are easily damaged in use by the graduated bar being broken. When this happens a new bar should be obtained by requisition and the instrument repaired.

Condemnation of Property Having a Sale Value.

Nonexpendable property which is worn out or damaged beyond repair or which is of no further use to the Service, but which has a sale value, will be retained until it can be inspected and condemned by an inspector or a district executive officer and its sale authorized in writing on Form 217. When the estimated value of the condemned equipment does not exceed $500 the authorization may be signed by the Forester or the District Forester. When, because of its remoteness and the comparatively small value of the property, the inspection by one or other of the officers specified is impracticable, a list and description of the articles, with specific reasons for their condemnation, may be forwarded to the District Forester. When the estimated value exceeds $500, specific authority must be obtained from the Secretary of Agriculture.

A certificate of condemnation and sale will be prepared by the supervisor on Form 217, in duplicate. The sale of the property will be advertised by notifying interested parties by letter and by posting notices (Form 259) in post offices, telegraph offices, and other public places. No expense will be allowed for advertising, except when the value of the property to be sold clearly justifies such advertisement, and then only by written authority of the Secretary of Agriculture. When the property is sold the officer to whom the authority was granted will pay all necessary expenses, such as auctioneer's fees,

drayage, and purchase of money order, and will remit the net proceeds by postal money order to the district depository, accompanied by a letter of transmittal (Form 861). He will send both copies of the Form 217 to the District Forester.

When the sale is approved by the District Forester he will send both copies of the Form 217 to the property auditor, who, upon receiving through the district fiscal agent the Form 861 with the indorsement of payment thereon, will credit the officer who made the sale and inform him of the action taken by stamped indorsement on one copy of the Form 217, to which he will attach the original Form 861.

Annual Property Return.

Annually, on January 1, a property return will be prepared on Form 330 in duplicate by every member of the Service who is accountable for property on the records of the property auditor. On this return will be entered the articles on hand as shown on the last return, the articles received by transfer or purchase since the last return, the articles disposed of by transfer, by certificate of loss or of sale, and the balance on hand on the date of return. Both copies will be signed and sent to the property auditor. As soon as the correctness of the return is established, both copies will be signed by the property auditor, who will keep one and return the other to the member making the return.

Property Auditor's Report.

Annually the property auditor will furnish each District Forester a statement of the value of all nonexpendable property charged to each of the Forests within his district. He will also furnish upon request of a District Forester a detailed statement of the number of instruments and other articles of equipment of any special kind charged against any or all of the Forests within the district. The property auditor will also furnish the District Forester a statement of the value of the expendable supplies obtained by the respective supervisors within the district, both by requisition on the supply depot and by purchase under letters of authorization. These statements will be used by the District Foresters as a basis for property inspection and for comparing the efficiency of the various supervisors in the handling of equipment and supplies.

Property Inspection.

Periodically an inspection will be made of the property in the hands of Forest custodians. When the inspection is made the custodian will prepare and submit to the inspecting officer a property return (Form 330) in duplicate, in the manner prescribed for the annual property return. The inspector will then check the property on hand against the return. If the property on hand agrees with the return, he will certify to the fact on the return and send both copies to the property auditor. If any discrepancies are found the inspector will make no changes in the return, but will send it to the property auditor, with a letter stating the discrepancies. The inspector will also submit to the District Forester a report on the condition and sufficiency of the equipment and supplies on hand.

Storage.

Property charged to members of field parties, which is no longer needed and which can not be advantageously returned to the property clerk, will be placed in the care of the most accessible Forest officer, and a memorandum receipt taken on Form 874–16. When this is not practicable the property may be placed in storage, but a letter of authorization will be obtained from the District Forester to cover the expense. Storage fees may be paid by the member charged with the property and the receipt of the storage company submitted in his reimbursement account, or on Form A voucher for payment directly to the storage company by the district fiscal agent. Property placed in the care of another member of the Service or in storage remains charged to the member until its final disposition by transfer (Form 939).

Final Settlement.

Final payment for salary or reimbursement will not be made to members severing their connection with the Service who have been in any way responsible for public property until evidence shall have been furnished that it has been properly accounted for. The executive officer in charge will be held responsible for notifying the district fiscal agent before final payment of salary is made, or before final payment is made on reimbursement vouchers.

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U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE APPERTAINING TO TRESPASS UPON THE NATIONAL FORESTS AND INSTRUCTIONS TO FOREST OFFICERS THEREUNDER.

ISSUED BY THE
SECRETARY OF AGRICULTURE
TO TAKE EFFECT
SEPTEMBER 1, 1911.

TRESPASS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for the prevention of, and governing the method and manner of handling and adjusting, trespasses upon the National Forests, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of September, 1911, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 5th day of August, 1911.

JAMES WILSON,
Secretary of Agriculture.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 2 TO THE NATIONAL FOREST MANUAL, 1911—TRESPASS. (REGULATIONS OF THE SECRETARY OF AGRICULTURE APPERTAINING TO TRESPASS UPON THE NATIONAL FORESTS AND INSTRUCTIONS TO FOREST OFFICERS THEREUNDER.)

Effective on and after January 1, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY.

Regulation T–4, page 6, of the National Forest Manual, 1911—Trespass, issued by the Secretary of Agriculture on August 5, 1911, to take effect on September 1, 1911, is hereby modified and amended to read and to provide as follows:

(D) Having or leaving in an exposed or insanitary condition on National Forest lands camp refuse or débris of any description, or depositing on National Forest lands or being or going thereon and depositing in the streams, lakes, or other waters within or bordering upon the National Forests any substance or substances which pollute or are liable to cause pollution of the said streams, lakes, or waters.

Done at Washington this 11th day of December, 1911.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 9 TO THE NATIONAL FOREST MANUAL, 1911—TRESPASS. (REGULATIONS OF THE SECRETARY OF AGRICULTURE APPERTAINING TO TRESPASS UPON THE NATIONAL FORESTS AND INSTRUCTIONS TO FOREST OFFICERS THEREUNDER.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Regulation T–4, page 6 of the National Forest Manual, 1911—Trespass, issued by the Secretary of Agriculture on August 5, 1911, is hereby amended by adding the following paragraph:

(E) The going or being upon lands of the United States within a National Forest with intent to destroy, molest, disturb, or injure property belonging to the United States, or used by the United States in the administration of the National Forests.

Done at Washington, D. C., this 6th day of August, 1912.
Witness my hand and the seal of the Department of Agriculture.

JAMES WILSON,
Secretary of Agriculture.

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UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 119—INSTRUCTIONS.

FEBRUARY 13, 1912.

Trespass.—The Instructions on page 18 are hereby amended by inserting after the last paragraph on that page the following:

In cases where there is no showing of willfulness on the part of the owner of stock or other principal in the trespass on a National Forest, although there is such a showing as to the herders or other employees, the matter will be segregated into two cases; the one against the owner or principal to be classed as innocent, and the other as willful, and the cases will then be disposed of in accordance with the instructions governing innocent or willful trespass respectively.

HENRY S. GRAVES,
Forester.

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NATIONAL FOREST MANUAL.

TRESPASS REGULATIONS.

FIRE TRESPASS.

Regulation T–1. The following acts are prohibited on lands of the United States within National Forests:

(A) Setting on fire or causing to be set on fire any timber, brush, or grass: *Provided, however,* That this regulation shall not be construed to prohibit the building of necessary camp fires or other fires for domestic or manufacturing purposes.

(B) Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against large or hollow logs or stumps, where it is difficult to extinguish it completely.

(C) Building a camp fire in a dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetable matter has been removed.

(D) Leaving a camp fire without completely extinguishing it.

TIMBER TRESPASS.

Regulation T–2. The following acts are prohibited on lands of the United States within National Forests:

(A) The cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or the removal of any timber or young tree growth except as authorized by law or regulation of the Secretary of Agriculture.

(B) The damaging or cutting, under any contract of sale or permit, of any living tree before it is marked or otherwise designated for cutting by a Forest officer.

(C) The removal from the place designated for scaling, measuring, or counting of any timber cut under contract of sale or permit until scaled, measured, or counted, and stamped by a Forest officer.

(D) The stamping, except by a Forest officer, of any timber belonging to the United States, either with the regulation marking tools or with any instrument having a similar design: *Provided,* That timber lawfully cut from public land which is subsequently included within a National Forest may be removed within a reasonable time after the inclusion of such land in a Forest: *Provided further,* That the term "timber" as used in this regulation shall be deemed and taken to mean trees of a character or sort that may be used in any kind of manufacture or the construction of any article, or for fuel.

GRAZING TRESPASS.

Regulation T–3. The following acts are prohibited:

(A) The grazing upon or driving across any National Forest of any live stock without permit, except such stock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any National Forest of any live stock in violation of the terms of a permit.

(B) The grazing of stock upon National Forest land within an area closed to the grazing of that class of stock.

(C) The grazing of stock upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the stock, after the receipt of notice from an authorized Forest officer of such withdrawal and of the amendment of the grazing permit.

OCCUPANCY TRESPASS.

Regulation T–4. The following acts are prohibited:

(A) Squatting upon National Forest land, or making settlement thereon, except in accordance with the act of June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

(B) Constructing or maintaining any kind of works, structure, fence, or inclosure; conducting any kind of business enterprise or carrying on any kind of work on National Forest land without a permit, except as otherwise allowed by law or regulation, and except upon a claim for the actual use, improvement, and development of the claim consistent with the purposes for which it was initiated.

(C) The willful tearing down or defacing of any notice of the Forest Service posted within a National Forest.

SETTLEMENT OF TRESPASS CASES.

Regulation T–5. The district foresters are authorized to settle all cases of innocent or unintentional civil trespasses where the total value of the forest products injured, taken, or destroyed is not in excess of $100.

Regulation T–6. Settlement of all innocent or unintentional civil trespasses where the total value of the forest products injured, taken, or destroyed is in excess of $100 will be effected by the Secretary of Agriculture. All willful civil trespasses, or those involving injury to the lands of the United States, separate and apart from the taking, injury, or destruction of forest products, and all criminal trespasses will be reported to the Secretary of Agriculture for reference to the Attorney General for action.

INSTRUCTIONS AND PROCEDURE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, August 5, 1911.

The following procedure and instructions are hereby established and issued, to take effect on September 1, 1911, governing the enforcement of regulations of the Secretary of Agriculture relating to the prevention of, and governing the method and manner of handling and adjusting, trespasses upon the National Forests.

HENRY S. GRAVES, *Forester.*

Approved.
JAMES WILSON,
Secretary.

FIRE TRESPASS (Reg. T–1).

National Forest fire law and regulations.

The act of June 4, 1897, authorizes the Secretary of Agriculture to make rules and regulations for the occupancy, use, and protection of the National Forests and provides that any violation of such rules and regulations shall be punishable by a fine of not more than $500, or imprisonment for not more than 12 months, or both. The Secretary in the exercise of this authority promulgated Regulation T–1 to insure care with fires and thus protect National Forest resources.

Setting fire on public lands.

Section 52 of the act of March 4, 1909 (35 Stat., 1088), provides a fine of not more than $5,000, or not more than two years' imprisonment, or both fine and imprisonment, for willfully setting on fire or causing to be set on fire any timber, underbrush, or grass upon the public domain or for leaving or suffering a fire to burn unattended near any timber or other inflammable material.

Failing to extinguish fires on public lands.

Section 53 of the same act provides a fine of not more than $1,000, or not more than one year's imprisonment, or both fine and imprisonment, for failure to totally extinguish a fire built in or near any forest, timber, or other inflammable material upon the public domain before leaving it.

Prosecution.

Offenders can be prosecuted under either of these acts. The United States, having all of the legal remedies of a private citizen, can, in addition to criminal prosecution, bring civil suit to recover damages for loss by fire.

Prosecution under State law.

In certain cases criminal prosecution under the State laws may be advisable. Such prosecutions must, of course, be conducted in the State courts and by State authorities, with such assistance as may be rendered by the district assistant to the Solicitor. Proof in criminal cases must be very specific. Great care should be taken to collect evidence by

affidavit, not only to secure evidence to convict, but evidence in rebuttal of the probable defense. Proceedings should be instituted in a State court only after review of the case by the district assistant to the Solicitor.

Rewards.

During the fiscal year ending June 30, 1911, unless otherwise ordered, and thereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:

First. Not exceeding $250 and not less than $50 for information leading to the arrest and conviction of any person, in any United States court, on the charge of willfully and maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within a National Forest.

Second. Not exceeding $100 and not less than $25 for information leading to the arrest and conviction of any person, in any United States court, on the charge of building a fire on lands of the United States within a National Forest, in or near any forest timber or other inflammable material, and leaving said fire before the same has been totally extinguished.

Third. All officers and employees of the Department of Agriculture are barred from receiving reward for information leading to the arrest and conviction of any person or persons committing either of the above offenses.

Fourth. The Department of Agriculture reserves the right to refuse payment of any claim for reward when, in its opinion, there has been collusion or improper methods have been used to secure the arrest and conviction thereunder, and to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances entitle the claimant to a reward on each such conviction.

These rewards will be paid to the person or persons giving the information leading to such arrests and convictions upon presentation to the Department of Agriculture of satisfactory documentary evidence thereof, subject to the necessary appropriation, as aforesaid, or otherwise, as may be provided by law.

Applications for reward, made in pursuance of this notice, should be forwarded to the Forester, Washington, D. C.; but a claim will not be entertained unless presented within three months from the date of conviction of an offender.

In order that all claimants for reward may have an opportunity to present their claims within the prescribed limit, the department will not take action for three months from date of conviction of an offender. The above is applicable to offenses committed since July 1, 1910.

Investigation of cause of fire.

When a fire occurs, the most important consideration is, of course, to put it out. As soon as possible thereafter, the ranger in charge should make diligent inquiry into its cause. He should not content himself with conjecture, hearsay, or circumstantial evidence, but should secure affidavits from witnesses as soon as it appears probable that a fire trespass case will follow. If he secures convincing evidence that the fire was incendiary, and there is reason to suppose the offender will escape, he should arrest or secure a war-

Arrest.

rant for the arrest of the offender, in accordance with instructions given under "Settlement of trespass cases."

Innocent fire trespass.

Cases where fire spreads after all reasonable precautions are taken, or where the fire is entirely the result of accident, will be considered innocent, and only actual or compensatory damages will be demanded.

Willful fire trespass.

All cases where fires are set maliciously, or allowed to spread through gross carelessness or neglect, or, in violation of any Federal or State law, are willful, and evidence should be secured and report prepared with a view to criminal prosecution as well as the collection of damages.

Report.

Since fire trespass involves rather difficult considerations of damage to young growth, soil productivity, damage to forage, etc., Forest officers should feel free to call upon the supervisor for assistance and advice, and he in turn upon the district forester. Extreme care is necessary in the preparation of reports, since they are the basis for determining whether the trespass is innocent or willful, and if the latter, the basis for preparing the case for either civil or criminal prosecution. The report, as outlined on Form 856, will be submitted by the supervisor as soon after the fire is out as the data can be obtained.

Procedure.

After receipt of report from the supervisor the district forester will act in accordance with the procedure outlined under "Settlement of trespass cases." If a fire burns over portions of two or more National Forests, action will be taken by the district forester after the reports and recommendations from all the supervisors concerned are received. In the district office fire trespass cases will be handled by the office of silviculture with any necessary advice and information as to the cost of fighting the fire and the injury to forage from the offices of operation and grazing respectively. In Washington they will be handled by the branch of silviculture, with any necessary advice and information from the branches of operation and grazing.

TIMBER TRESPASS (Reg. T-2).

Timber depredations on public lands.

By section 49 of the penal code (act of Mar. 4, 1909, 35 Stats., 1088), the cutting of, or causing or procuring to be cut, or the wanton destruction of, or causing to be wantonly destroyed, any timber growing on the public lands of the United States, or the removal, or causing the removal of, any timber from such lands, is a criminal offense, punishable by a fine of not more than $1,000, or imprisonment for not more than one year, or by both fine and imprisonment. It is further provided, however, that:

> "Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Timber depredations on National Forest lands.

Section 50 of the act of March 4, 1909 (35 Stats., 1088), as amended by section 6 of the act of June 25, 1910 (36 Stats., 857), makes it a criminal offense, punishable by a fine of not more than $500, or imprisonment for not more than one year, or by both fine and imprisonment, to unlawfully cut, or aid in unlawful cutting, or to wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which has been reserved or purchased for any public use.

Boxing, etc., timber for turpentine, etc.

By section 51 of the penal code (act of Mar. 4, 1909, 35 Stats., 1088), the cutting, chipping, chopping, or boxing of any tree upon National Forest and other Government land, or upon any land covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or knowingly encouraging, causing, procuring, or aiding in such cutting, chipping, chopping, or boxing, or buying, trading for, or in any manner acquiring the product so obtained with knowledge that it was unlawfully obtained, is a criminal offense punishable by a fine of not more than $500, or imprisonment for not more than one year, or by both fine and imprisonment.

Investigation of timber trespass.

Timber trespass on National Forests will be handled exclusively by the Department of Agriculture, except such trespasses as have hitherto been reported upon or are now being investigated or prosecuted by the Department of the Interior, and upon request from officials of that department forest officers shall render all possible assistance in such investigation or prosecution.

Timber cutting on unperfected claims.

The cutting of timber upon an unperfected claim beyond the extent necessary for its actual development or for uses not consistent with the purpose for which the claim was initiated, or the cutting of timber from one mining claim for use upon another where such use does not tend directly to develop the claim from which the timber is cut will be reported as timber trespass in accordance with the procedure prescribed under "Settlement of trespass cases." Report should be made at the same time upon the claim, using the outline on Form 654 or 655, and the status of the claim as indicated by the report will determine the action which will be taken to prevent, settle, or prosecute the trespass.

Threatened trespass.

When a Forest officer discovers that National Forest timber is threatened with trespass, and no warning will serve to restrain the trespasser, an injunction may be necessary to protect National Forest interests. The procedure to obtain an injunction is outlined under "Settlement of trespass cases."

Innocent and willful trespass.

If, at the time the cutting was done, the trespasser, after the exercise of due diligence to ascertain from official sources the ownership of the land or his rights therein was unaware that he was not lawfully entitled to the timber, the act will be considered an innocent trespass. If cutting occurs beyond the boundaries of patented land through bona fide mistake, or trespass has been committed on account of any other bona fide error of fact or in innocence of the rights of the United

States, the trespass will be considered an innocent one. Where these conditions do not exist, the trespass will be considered willful. While the men who do the actual cutting may legally be held for the trespass, ordinarily it is advisable, particularly in civil cases, to proceed against the corporation, company, or individual by whose direction and for whose benefit the cutting was done. In civil cases the employer is liable for the willfulness of the employee, if he knew of the trespass and took no means to stop it, or, if after the trespass was committed, he knowingly approved it or adopted it by receiving the fruit of the trespass, or whenever he employed persons to do the cutting knowing them to be careless, reckless, and unreliable.

Measure of damages.

The willfulness or innocence of a trespass determines whether the value of the material in the condition where found or its value immediately after felling will be the basis for assessing the damages due the United States. Forest officers must be extremely careful, therefore, to secure all evidence bearing on this point, and their reports must clearly show into which class the trespass falls. If, for instance, no settlement is made in a trespass case, and it becomes necessary to institute suit to obtain damages, evidence of reliable witnesses will be needed to prove whether the trespass was innocent or willful, and such evidence, in affidavit or other form, should accompany the report. In every case, whether considered by the forest officer innocent or willful, the safer course is to secure and report the values both on the basis of innocent and willful trespass.

In innocent cases.

When the trespass is innocent, the measure of damage will be the value of the timber after it was cut at the place where it was cut.

Innocent purchasers.

Where the purchaser of timber cut in innocent trespass is held for damages the measure will be the value of the timber after it was cut at the place where it was cut. If the timber is purchased from a willful trespasser, without knowledge of the trespass, the value will be determined as of the time of such purchase.

In willful cases.

When the trespass is willful the measure of damages will be the value of the timber in its condition when and where found. If, when a willful trespass is discovered, the trees are felled, the assessed damage will be the stumpage plus the cost of felling; if they are cut into logs, the cost of bucking will be added, and if found at the mill the cost of both bucking and hauling will be added. The current value of the lumber will be the basis for assessing damages if the logs have passed through the mill.

Willful purchasers.

Where the purchaser of timber cut in trespass is held for damages, the measure will be the value of the material at the time and place it is found if it was purchased from a willful trespasser with full knowledge that the timber was cut in trespass.

Waste and damage to Forest.

If in addition to the cutting and removal of Government timber, the trespasser, by careless felling or logging, has done avoidable damage to young growth or timber left standing, an estimate of the money value of this loss should be made and included in the assessed damages. Merchantable timber wasted in high stumps, long tops, or left in the woods should, of course, be included in the scale.

Stump scales.

In making a stump scale the total log length taken from each tree should be measured. In most cases where the trespass is not over 2 years old the indentation in the ground can be seen where the butt struck when the tree fell. From that point, which is often several feet from the stump, to the top, the direction of which can be determined by the undercut on the stump, the total log length can be measured. This should be divided into logs according to the taper table given under "Timber sales—Instructions to scalers," and the top diameter of each log ascertained from the same table. The scale for each log may then be obtained from the Decimal C scale stick or the scale table in the Timber Sales Manual. The merchantable portion left in the top and in high stumps should be scaled and noted separately. After scaling each tree, the top of the stump and the butt of the top should be stamped "U. S."

Use of volume tables.

In cases where the tops can not be identified or have been moved, or fire has followed, the scale may be obtained from a volume table (if one is available for the locality and species) by reducing the diameter at the top of the stump to diameter breast high.

Record of method used.

Forest officers should use extreme care in scaling trespass timber, especially in a stump scale, and should keep complete notes on the method used, since if the case is brought into court the scale must be introduced as legal evidence.

Action to stop trespass.

When a forest officer discovers a timber trespass, he must first ascertain the exact location and status of the land involved, making sure that it is within the boundary of the forest and upon land under the jurisdiction of the Forest Service. To do so it may be necessary to locate the nearest Government corner and run a survey and to obtain the status of the land from the district office or the local land office. He will then serve written notice upon the trespasser, in the presence of witnesses if possible, to discontinue the trespass and record in his notebook the place, names, and addresses of those present, and the day and hour of the notification.

Seizure, authority of Forest officers to make.

Forest officers, as agents of the Government, may, without further instructions, seize timber cut in trespass wherever found, even though it may be upon patented land at the time. If there is grave danger that the timber cut in trespass will be removed beyond recovery by the United States, all material belonging to the Government will be seized.

Seizure defined.

Seizure, or recaption, is the right of a person to retake his property in a peaceable manner wherever he finds it. Since the United States has the same common-law rights and remedies as an individual, it may, through its agents, exercise the same right of seizure or recaption as an individual.

The right of seizure should be exercised with extreme care, since mistaken zeal in this regard may lead to serious complications or subject the Forest Service to the charge of arbitrary action. Seizure may be made only when it can be done peaceably, and it is necessary

to prevent the Government property from being sold, destroyed, or removed beyond recovery.

If the case has proceeded to suit and is in the hands of the Department of Justice, seizure will be made only under instructions from the United States attorney handling the case. Any developments in such a case which render immediate seizure necessary to prevent loss to the Government should be reported by wire to the district office.

When seizures can be made.

Timber cut in trespass may be seized, although manufactured into lumber and in the hands of an innocent purchaser and upon patented land. It is within the right of the United States to seize buildings or other improvements, either on Government or patented land, when such improvements are constructed wholly or in part from timber cut in trespass; but this drastic action will be taken only as a last resort to save the United States from loss and then only on definite instruction from the district forester.

Mixed timber.

Where a trespasser wrongfully mingles Government timber or lumber with his own, either the whole mass may be seized and held until the amount lawfully owned by the claimant is proved by him, or, if the amount taken from the Government land is known, an equal amount of the commingled mass may be seized.

Posting trespass material.

The Forest officer making a seizure will post notices of seizure on the material seized in sufficient numbers to identify unmistakably all material covered by the seizure. The trespasser and any witnesses to the act should be notified of its significance and warned against the removal of the property under seizure.

Release from seizure.

Material seized will not be stamped "U. S." until the case is settled and the material released, when the seizure notices will be removed and the material stamped.

Report.

When timber trespass has been committed, the Forest officer discovering it will submit to the supervisor a complete report, including the time when the timber was cut, in accordance with the outline on Form 856. Each case should be prepared with as much care as if it were to result in a suit. Hearsay is not evidence and all available witnesses should be interviewed and their sworn statements obtained. If the trespass is committed under color of a claim, report should be made at the same time upon the claim, using the outline on Form 654 or 655.

Procedure.

After receipt of report by the supervisor, the procedure will be in accordance with the instructions under "Settlement of trespass cases." In the district forester's or Forester's office timber trespass cases will be handled by the office or branch of silviculture.

Disposal of slash before closure.

After settlement the case will be closed upon the assurance by the supervisor that the area cut over is in a satisfactory condition. Forest officers should watch this carefully and should insist on a proper disposal of slash from the cutting area. The trespasser should understand clearly what will be required of him in this respect and upon completing the work, the Forest officer should inspect the area, make sure that all

stipulations of settlement have been fulfilled and report to the supervisor. If the area is reported in satisfactory condition the supervisor will then report to the district forester and recommend that the case be closed. Upon being notified by the district forester that the case is closed he will notify the trespasser of the closure of the case.

GRAZING TRESPASS (Reg. T-3).

Under Regulation T–3 the following acts constitute trespass:

What constitutes grazing trespass.

(A) Allowing stock not exempt from permit to drift and graze on a National Forest without permit.

(B) Grazing or driving stock not exempt from permit on National Forest land without permit.

(C) Violation of any of the terms of a grazing or crossing permit.

(D) Refusal to remove stock upon instructions from an authorized Forest officer when an injury is being done the National Forest by reason of improper handling of the stock.

Removal of stock.

The owner of trespassing stock should be ordered to remove it at once, or, if the situation is urgent, the Forest officer may remove the stock in any way that does not injure it physically.

A distinction is made between permitted stock and unpermitted stock.

Permitted stock may be removed from any portion of the Forest not allotted to it, but the permit can not be canceled or the stock removed from the area allotted to it without authority from the district forester.

Forest officers may drive unpermitted stock from any portion of the Forest upon discovery of its presence, or they may allow the owner or herder a reasonable time to remove it; but if he refuses to do so, the person in charge of the stock may be arrested and the stock removed from the Forest by the Forest officers. (See Procedure in criminal cases.)

Report.

After the removal of the stock the Forest officer discovering the trespass will prepare a report in duplicate in accordance with the outline on Form 856 and forward it to the supervisor. This report should contain clear-cut, definite statements upon the following points: The inclusive dates upon which the stock was in trespass; actual or approximate number of stock grazed in trespass and method of determination; brands or earmarks of stock and recorded ownership of same; name and address of the owner of the stock; location and extent of area upon which stock has trespassed, by legal subdivisions, or a definite description by local landmarks; whether Forest boundaries were marked at point of trespass or not, and whether trespasser has ever been advised of the exact location of the Forest boundaries or has theretofore committed a similar trespass on the Forest; kind of monuments used to mark the boundaries and their distance apart; the names and addresses of all witnesses having knowledge of the facts, together with a brief synopsis of their statements, signed by them. Should there be witnesses who decline to make a statement, a brief synopsis of the facts to which it is believed they can testify should be sub-

mitted. All questions contained in the above form should be answered. The report should be accompanied by a map showing the location of the area trespassed upon. The Forest officer making the report should include therein a statement of his estimate in money of the actual value of the forage and forest growth or other forest products consumed, destroyed, or injured, and an estimate of the actual damage, if any, sustained by the United States through injury to improvements on the Forest as a result of the trespass. The report should distinctly show the circumstances of the trespass, that is, facts disclosing whether it was committed innocently or unintentionally, or knowingly, willfully, recklessly, or without regard to the rights of the United States, or in defiance of warnings against trespass. The subsequent procedure will be as presented under "Settlement of trespass cases."

Procedure. In the district office grazing trespass cases will be handled by the office of grazing and the office of the solicitor. In Washington they will be handled by the branch of grazing, the Office of the Solicitor, and the Office of the Secretary of Agriculture.

OCCUPANCY TRESPASS (Reg. T–4).

What constitutes occupancy trespass. The use of the National Forest land without permit for any purpose for which special-use permits are required constitutes occupancy trespass. Traveling, temporary camping, hunting, surveying, or prospecting may be carried on without permit, and camp wood and forage for stock used in connection with such projects may be taken free of charge.

Since the United States has all the civil rights and remedies for trespass possessed by private individuals, it may bring action to recover damages resulting from trespass or breach of contract.

Innocent trespass. In case of an innocent trespass the supervisor should make every effort to secure satisfactory adjustment amicably. He should, if possible, interview the trespasser and induce him to discontinue the trespass or remove his improvements, allowing him a reasonable time within which to do so.

Closure by issuance of special-use permit. Innocent trespasses may in most cases be closed by the issuance of a special-use permit covering the occupancy.

Action to stop trespass. If the trespasser is engaged in constructing any building or other structure on National Forest land, he should be notified by a written order, served, if possible, in the presence of witnesses, to suspend work. In aggravated cases it is within the authority of a ranger to seize improvements constructed on National Forest land, but unless damage actually threaten the National Forest, this action will not be resorted to.

Report. The Forest officer discovering the trespass will, after assuring himself of the status of the land, prepare a full report in accordance with the outline given on Form 856 and forward it to the supervisor.

Procedure. After receipt of the ranger's report by the supervisor the procedure will be as prescribed under "Settlement of trespass cases."

PROPERTY TRESPASS.

What constitutes property trespass.

The unauthorized appropriation, damage, or destruction of property of the United States, used in the administration of the National Forests, constitutes a trespass. Interference with the personal property of Forest officers is not trespass against the United States, and redress can only be obtained in the local courts between the offender and the officer in his capacity as a private citizen.

Sufficiency of evidence.

Property trespass, when taken up, will usually result in litigation. Therefore, Forest officers discovering that a trespass of this character has been committed must make every effort to gather and submit with their report sufficient convincing legal evidence to insure a conviction.

Recovery of Forest Service property.

Forest officers, as agents of the Government, may, without further instructions, seize Forest Service property wrongfully taken wherever it may be found, but should be extremely careful that the identification of the property is complete. Seizure may be made only when it can be done peaceably, and when necessary to prevent the Government property from being sold, damaged, destroyed, or removed beyond recovery.

Report.

Forest officers, upon discovery of a property trespass, will prepare a full report in accordance with the outline given on Form 856 and forward it to the supervisor. The report will state specifically the kind and value of the property stolen, damaged, or destroyed; the circumstances of the trespass; and the action, if any, taken for the recovery or protection of the property of the Government wrongfully taken or destroyed.

Procedure.

If the supervisor considers that there is sufficient evidence to warrant legal action, he will transmit the report with his own comments and recommendations to the district forester. The subsequent procedure will be as prescribed under "Settlement of trespass cases."

SETTLEMENT OF TRESPASS CASES (Regs. T–5 and T–6).

Legal remedies for trespass.

The United States has all the legal remedies for trespasses upon its lands that are available to individuals, and invokes the aid of its own courts to enforce them. Among these remedies are: Injunction either to prevent threatened trespasses or to terminate such as are being committed; action to recover the value of products and resources of the lands converted or injured by trespassers; and prosecutions for violation of statutes defining crimes in relation thereto.

Injunction.

Whenever a threatened or actual trespass on lands of the United States within a National Forest is discovered and resort to the remedy of injunction is necessary, the supervisor will communicate the facts to the district forester, who will consult with the district assistant to the solicitor, and if the latter is of the opinion that injunction can be maintained he will report the facts to the Solicitor for reference by the Secretary to the Attorney General for action.

Whenever application for an injunction is too urgent to admit of delay in ordinary correspondence between the district assistant to

the solicitor and the Solicitor, the former will telegraph briefly all the essential facts in the case to the Solicitor, and the Attorney General will be requested to give immediate instructions to the United States attorney to apply for an injunction.

Whenever application for an injunction is so urgent that the interests of the United States would be prejudiced by the delay incident to the course outlined in the paragraph immediately preceding, the district assistant to the solicitor will submit the facts to the proper United States attorney and will request that application be made immediately for an injunction, but as soon as possible thereafter he will advise the Solicitor of his action and of the essential facts in the case in order that the Attorney General may be requested at once to give the necessary instructions to the United States attorney.

ORDINARY CIVIL CASES.

Action by forest officer.

The Forest officer upon discovering a trespass should take immediate steps to protect the National Forests from injury.

Forest officer's report.

After taking such action the Forest officer will prepare a report in duplicate in accordance with the outline on Form 856 and submit it to the supervisor. This report should contain clear-cut, definite statements covering all points which are pertinent to the case, as noted on the form, or as outlined in the instructions regarding grazing trespass. If the trespass is committed on or under color of a claim, report should at the same time be made upon the claim, in accordance with the outline on Form 654 or 655, which will accompany the trespass report.

Action by supervisor.

If upon receiving the report it is the supervisor's opinion that a trespass has been committed, he will, except in cases of property and criminal fire trespasses, inform the trespasser by registered mail, or in person, of the trespass, and that he will be allowed a definite time from receipt of notice in which to make a sworn statement of the circumtances of the trespass and his estimate of the damages sustained by the Government as a result of the trespass, and that such statement will be considered in the determination of the actual damages sustained by reason of the trespass.

Trespasser's statement.

Conference with trespasser.

Whenever practicable the supervisor should meet the trespasser and talk the matter over with him. No grazing, timber, or occupancy trespass report should be forwarded to the district forester until the trespasser has had an opportunity to present his version of the facts.

After consideration of the trespasser's statements the supervisor will supplement the Forest officer's report by his own findings as to the damage sustained by the Government, and particularly as to the innocence or willfulness of the trespass, and send both to the district forester.

Procedure in district office.

Upon receipt of the papers in the case by the district forester it will be referred to the office concerned. A separate folder, with the designation thereon, will be used for each case. An index card will be used for each case, upon which will be entered the case designation and such notations as may be necessary. The assistant district forester in charge of the office,

after having examined the report, will prepare a memorandum, containing his estimate of the damage sustained by the United States, his opinion regarding the nature of the trespass, and his recommendations for action.

Action upon report on claim submitted with trespass report.

If the trespass report is accompanied by a claims report, all the papers will then be referred to the office of lands. If it appears, upon an examination of the claims report in that office, that action should be initiated to protest the claim, the original reports upon the claim will be removed from the trespass file and a copy substituted. A memorandum, showing the intended action, if any, upon the claims report, will be attached to the trespass report. Action in the claims case will then be taken in accordance with the procedure prescribed under "Claims."

Report referred to district assistant to the Solicitor.

The district forester will then submit the trespass case to the district assistant to the solicitor, who will determine the sufficiency of the information to sustain the action recommended. If, in his judgment, a trespass has been committed, and the action recommended is warranted by the facts shown by the record, he will prepare a memorandum to that effect for the district forester. If he believes that the trespass is not clearly established, or that the sum of the damage is inadequate or excessive, or that there is an absence of material facts, he will so advise the district forester by memorandum, indicating, if necessary, the additional evidence required to complete the case. If the district assistant to the solicitor dissents from the opinion of the district forester, the latter will take steps to conform to the legal requirements outlined by securing additional reports or evidence, and will again submit the case to the district assistant to the solicitor.

Settlement of trespass cases by the district forester.

If the case is one of innocent or unintentional trespass, and the total value of the forest products injured, taken, or destroyed is not in excess of $100, the approval by the district assistant to the solicitor will be followed by the preparation by him of a letter to the trespasser for the signature of the district forester. In all such cases the sum demanded in settlement by the district forester must not include injury to the land nor punitive or exemplary damages, since such injury or damage can be determined only in judicial proceedings. The district forester's letter, which will be forwarded through the supervisor, will inform the trespasser of the sum due the United States because of his trespass, as determined by the district forester, and that, upon payment of this amount and the fulfilment of such conditions as may be necessary to protect the National Forest, the case will be closed. A letter of transmittal (Form 861) for the amount due, signed by the district forester, will accompany the letter. A promise card will be prepared, and if after the expiration of a reasonable time the payment has not been received, the entire case will be referred to the district assistant to the solicitor, who will write a second letter to the trespasser calling attention to his failure to pay the amount due. If the trespasser fails or refuses, after receipt of the second letter, to make settlement as required, the assistant to the solicitor will forward the case to the Solicitor for submission to the Attorney General for the institution of civil suit.

Settlement of trespass cases by the Secretary.

If the estimated amount due the United States is in excess of $100, or if the trespass was committed knowingly, willfully, recklessly, and in disregard of the rights of the United States, or if the trespass involves injury to the lands of the United States separate and apart from the injury or destruction of forest products, the district forester will add his recommendations and submit all the papers to the district assistant to the solicitor for comment and recommendation and will then forward all papers in the case, including the comment and recommendations of the district assistant to the solicitor, to the Forester for his recommendation and for submission to the Secretary, through the Office of the Solicitor, for his ascertainment and determination of the actual damage sustained by the United States.

When the Secretary has ascertained and determined the amount due the United States and that the trespass was committed unintentionally, inadvertently, or ignorantly, and does not involve injury to the lands of the United States, a letter will be prepared by the Solicitor for the signature of the Secretary, notifying the trespasser of the amount ascertained to be due in settlement of the trespass and informing him that a reasonable time will be allowed for payment. The Secretary's letter and all papers in the case will be forwarded through the Forester to the district forester, who will transmit the letter to the trespasser, accompanied by a properly prepared and signed form letter of transmittal (Form 861). A promise card will be kept by the district forester, and if the amount due is not remitted within a reasonable time, the case will be referred to the assistant to the solicitor, who will write a second letter to the trespasser, calling his attention to the fact that the amount due has not been remitted. If the trespasser fails or refuses to make the required payment, the assistant to the solicitor will take steps necessary to recover the damages by civil suit.

Action by Attorney General.

Should the Secretary determine that the trespass was committed willfully, knowingly, and in reckless disregard of the rights of the United States, or that the trespass involves injury to the lands of the United States, the facts will be reported by the Solicitor to the Attorney General for institution of suit for recovery of the ascertained damages, together with such exemplary damages as may be awarded by a jury upon consideration of the aggravated circumstances of the case. When necessary to report the cases to the Attorney General, the Solicitor will prepare the letters for the signature of the Secretary.

Compromise of civil trespasses.

In every case where a compromise of a trespass is recommended by Forest and law officers and approved by the Secretary the Secretary will advise the Attorney General of the proposed compromise and request that the case be settled in accordance therewith.

CRIMINAL CASES.

Criminal prosecution.

Settlement of or institution of suit to recover damages resulting from a trespass in a National Forest does not bar a criminal prosecution for the trespass, and the Secretary of Agriculture can not accept settlement made on the condition that no such prosecution will be instituted; nor has the Secretary power to dismiss a pending prosecution. Except in flagrant

cases, as hereinafter stated, no Forest officer will take action looking to a criminal prosecution of the trespasser, but will report all the facts to the supervisor as directed under heading "Civil cases." The Secretary will determine from the facts reported to him whether or not criminal proceedings should be recommended to the Attorney General.

Arrest.

All Forest officers have power to arrest without warrant any person whom they discover in the act of violating the National Forest laws and regulations, or if a violation of such laws and regulations is committed out of the view of such officers they have the authority to secure a warrant from a United States commissioner, or, if one is not convenient, from a justice of the peace, and use it as the visible sign of the right to arrest, and also to arrest for any such violation on a warrant obtained by any competent person. Every person so arrested must be taken before the nearest United States commissioner for commitment.

Action by ranger where arrest is necessary.

In willful and flagrant cases where immediate action is necessary in order to protect the Forest from damage or to prevent the escape of the trespasser the ranger will place the trespasser under arrest if he is detected in the act of committing trespass, or if not so detected will first procure a warrant for his arrest; will notify the supervisor at once, advising him of the need of immediate action, of the evidence against the trespasser, and of the United States commissioner before whom the hearing will be held. He will also secure evidence upon all of the points mentioned under the head of "Civil cases." He will immediately take the trespasser before the proper United States commissioner, swear to a complaint, and, in the absence of the district assistant to the solicitor, represent the Forest Service at the hearing, and hold the trespasser for disposition according to the instructions of the commissioner. After the case has been acted upon by the commissioner the ranger will submit full reports upon the proper forms, as in a civil case, to the supervisor, including a statement regarding the urgency of the need for arrest, and the decision and rulings of the commissioner.

Action by supervisor where arrest is necessary.

The supervisor upon receipt of the ranger's preliminary report will at once notify the district forester, in order that the district assistant to the solicitor may attend the hearing if possible. The supervisor should endeavor to attend the hearing before the commissioner, or, failing to be present, should give the ranger full instruction relating to the case. As soon as the case before the commissioner has been decided and the ranger has submitted full reports upon the proper forms the supervisor should consider, approve, and record them in the proper manner, and forward all papers in the case to the district forester for submission to the district assistant to the solicitor, adding such recommendations as are necessary and stating in full all rulings and decisions made by the commissioner, after which the case will be handled by the district assistant to the solicitor.

Closure of cases.

In all cases where a trespasser has paid the damages assessed against him or has paid the fine imposed upon him by the court as a penalty for his trespass upon the National Forest the case will be closed.

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U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE GRAZING OF LIVE STOCK UPON NATIONAL FOREST LANDS.

ISSUED BY THE
SECRETARY OF AGRICULTURE
TO TAKE EFFECT
MAY 1, 1911

GRAZING.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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UNITED STATES DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY.

WASHINGTON, D. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for grazing upon National Forest lands, the same to supersede all previous regulations for like purposes and to be in force and effect from the first day of May, 1911, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 18th day of March, 1911.

JAMES WILSON,
Secretary of Agriculture.

THE NATIONAL FOREST MANUAL.

GRAZING.

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the National Forests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the forests and the water supply permit. The cattle and sheep which are grazed in the National Forests bear an important relation to the supply of beef and mutton in this country, and every effort will be made by Forest officers to promote the fullest possible use of the grazing resources. The utilization of forage grasses and plants also reduces the fire danger and helps to protect the Forests. In new National Forests, where the live-stock industry is of special importance, full grazing privileges will be given at first, and if reduction in number is afterwards found necessary stockmen will be given ample opportunity to adjust their business to the new conditions. Every effort will be made to distribute the stock satisfactorily on the range, in order to secure greater harmony among the users of the Forests, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

The protection and conservative use of all National Forest land adapted for grazing.

The permanent good of the live-stock industry through proper care and improvement of the grazing lands.

The protection of the settler and home builder against unfair competition in the use of the range.

It is expected that the stock owners will earnestly cooperate in carrying out the regulations.

Permits will be issued to graze a certain number of live stock in each National Forest, or part thereof, so long as no damage is done by such stock. A reduction will be made from the number of stock grazed during the previous season if, owing to the number grazed or the method of handling the stock, damage is being done to the Forest, and in extreme cases all stock will be excluded.

Cattle and horses will usually be allowed to graze in all National Forests. Sheep and goats will be allowed to graze in National Forests or in parts thereof where the conditions warrant, but will be restricted to the areas and grazing periods fixed by the Forest Service.

Permits will usually be granted for one year, but where all controversies have been settled and proper numbers of stock are allowed, the Secretary of Agriculture will authorize the approval of applications for periods of not more than five years, with the understanding that all permits are terminable at any time and that the renewal of permits will be within his discretion.

GRAZING REGULATIONS.

ALLOTMENTS.

Reg. G–1. The Secretary of Agriculture will prescribe each year the number of stock to be allowed in each National Forest, and will authorize the approval of applications for permits during periods of one or more years, but revocable at any time within his discretion. The yearlong grazing fee to be charged for each class of stock will be determined by the Forester in accordance with Reg. G–4. Seasons less than yearlong will be established by the District Forester, who will determine the fees to be charged for each short season in accordance with the established schedule and the provisions of Reg. G–4. When notified of the establishment of grazing allowances and yearlong rates for any National Forest, the District Forester will establish and fix the rates for all grazing periods less than yearlong and will transmit instructions to the Supervisor, who will issue grazing permits in accordance therewith. Fifteen days may be added to the grazing period, in the discretion of the Supervisor, without charge.

STOCK EXEMPT FROM PERMIT.

Reg. G–2. All persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or saddle, pack, and work animals actually used in connection with permitted operations on the National Forests, and milch or work animals not exceeding a total of 10 head owned and in use by bona fide settlers residing in or near a National Forest, which require no permit.

DISTRICTS AND DIVISIONS.

Reg. G–3. The grazing of sheep and goats upon any portion of a Forest must not be allowed until authorized by the Forester. This authorization secured, the kind of stock to be grazed in each district open to grazing on the Forests will be determined by the District Forester. Under his general instructions, National Forests in which grazing is allowed will be divided into districts by the Supervisor, who will provide for the distribution of stock among the districts, and make such range divisions among applicants for grazing permits as appear most equitable and for the best interests of the National Forest and its users. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, the Supervisor may exclude stock from specified areas for such period of time as is necessary. Stock will be excluded from areas where they will destroy young growth or will prevent reproduction.

FEES.

Reg. G–4. A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these Regulations. The rates will be based upon the yearlong rate for cattle which will be from 35 to 60 cents per head, depending upon the advantages and the locality of the Forest.

The yearlong rates for horses will be from 25 to 40 per cent more, and the yearlong rates for swine from 25 to 40 per cent less than the rate for cattle. On Forests where the quality of range and advantages for grazing cattle and sheep or goats are equal, the yearlong rate for sheep and goats will be 30 per cent of the yearlong rate for cattle, but where the above-mentioned conditions warrant it, this percentage may be departed from and the yearlong rates for sheep and goats fixed within the following limits: From 10 to 12 cents on Forests where the rate for cattle is 35 cents; from 12 to 14 cents on Forests where the rate for cattle is 40 cents; from 12 to 15 cents on Forests where the rate for cattle is 45 cents; from 14 to 16 cents on Forests where the rate for cattle is 50 cents; from 15 to 18 cents on Forests where the rate for cattle is 60 cents.

The rates for all kinds of stock for periods shorter than yearlong will be based upon a charge of one-ninth of the annual rate per month for periods of less than four months or periods beginning between July 15 and October 15, or of one-tenth of the annual rate per month for periods of four months or over beginning between October 16 and July 14, provided that the rates on sheep, goats, and swine shall not be divided into fractional amounts of less than one-fourth of 1 cent, and the rates on cattle and horses shall not be divided into fractional amounts of less than 1 cent; and provided that the minimum rate for any short period shall not be less than 20 cents per head on cattle, 25 cents per head on horses, 12 cents per head on swine, or 5 cents per head on sheep or goats. An extra charge of 2 cents per head will be made for sheep or goats which are allowed to enter the National Forests for the purpose of lambing or kidding. No charge will be made for animals under 6 months of age at the time of entering the Forest, which are the natural increase of stock upon which fees are paid or for those born during the season for which the permit is allowed: *Provided, however,* That the grazing fees in force at the date of these Regulations shall continue in effect for all permits issued prior to and including December 31, 1911.

PAYMENTS AND PERMITS.

Reg. G–5. All grazing fees are payable in advance. When an applicant for a grazing permit is notified by the Supervisor that his application has been approved, he will remit the amount due for grazing fees to the District United States Depository, and upon receipt of notice by the Supervisor that payment has been made, a permit will be issued allowing the stock to enter the Forest and remain during the period specified.

Persons who fail to pay the grazing fee before the beginning of the grazing period must notify the Supervisor and give satisfactory reasons, or within the discretion of the Supervisor may be denied a grazing permit the following season.

REFUNDS.

Reg. G–6. Grazing fees will not be refunded for nonuse of the permit, except when, in the opinion of the District Forester, the applicant is prevented from using the range by circumstances over which he has no control, or his range is trespassed upon, or renewal of permit is allowed to a purchaser of the stock.

QUALIFICATIONS OF APPLICANTS.

Reg. G–7. Grazing permits will be issued only to persons entitled to share in the use of the range within National Forests by virtue of prior use and occupancy of National Forest lands for grazing purposes; or by local residence, ownership of improved ranch property within or near the Forest, and dependence upon the range; or by the acquisition of stock grazed upon National Forest lands under permit and of improved ranch property used in connection with the stock, under circumstances which warrant an entire or partial renewal of the permit issued to the former owner, except when there is surplus range, in which case temporary permits may be issued to owners of transient stock.

Nonuse of a range during one year, except as authorized by the District Forester, will be sufficient grounds for the denial of grazing privileges.

PREFERENCES.

Reg. G–8. Citizens of the United States will be given preference in the use of the National Forests, but persons who are not citizens may be allowed grazing permits provided they are bona fide residents and owners of improved ranch property either within or adjacent to a National Forest.

Regular occupants of the range who own and reside upon improved ranch property in or near National Forests will be given first consideration, but will be limited to a number which will not exclude regular occupants who reside or whose stock are wintered at a greater distance from the National Forests. With this provision applicants for grazing permits will be given preference in the following order:

Class A: Persons owning and residing upon improved ranch property within or near a National Forest who are dependent upon the National Forest for range and who do not own more than the established protective limit number of stock.

Class B: Regular users of National Forest range who own numbers of stock in excess of the established protective limits, or who do not own improved ranch property within or near a National Forest.

Class C: Persons who are not regular users of National Forest range and who do not own improved ranch property within or near a National Forest. Class C applicants will not be granted permits upon Forests which are fully occupied by permittees of classes A and B.

Persons who have not regularly used the range within newly created National Forests during preceding years will not be allowed to place stock upon it for the purpose of establishing a grazing priority, unless they are bona fide settlers living either within or adjacent to the National Forest, who are entitled to share in the use of the range as class A applicants.

NOTICE TO APPLICANTS.

Reg. G–9. When notice of the grazing allowance, periods, and rates for each year has been received by the Supervisor he will give public notice of a date on or before which all applications for grazing must be presented to him. Permits may be refused to persons who do not file their applications within the required time unless satisfactory reasons are given.

APPLICATION FOR PERMITS.

Reg. G–10. Applications for grazing permits must be submitted on blank forms which will be furnished by the Supervisor and the information necessary to complete the application must be furnished in detail. The number of stock must not be greater than the number the applicant actually owns or intends to purchase or less than the number he intends to graze upon the Forest. Speculation in the use of grazing permits will not be allowed, and permits will be refused or canceled for intentional false statement of the number of stock owned.

For all purposes of permanent allotment each member or stockholder of a firm or corporation will be considered as holding a permit to graze the full number of stock covered by any and all grazing permits issued to such firm or corporation. The individual permit of a person who acquires an interest in the permit of any firm or corporation will be subject to reduction in its renewal when the combined number of stock covered by all permits in which the person is interested exceeds the maximum limit.

PROTECTIVE AND MAXIMUM LIMITS.

Reg. G–11. When necessary to secure an equitable distribution of grazing privileges the District Forester will establish protective limits covering the number of stock for which the permits of small owners will be exempt from reduction in their renewal. Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees. (See Reg. G–13.)

When necessary to prevent monopoly of the range the District Forester will establish maximum limits in the number of stock for which a permit will be issued to any one person, firm, or corporation. Permits for numbers of stock in excess of the maximum limits will be issued only to persons who, during the preceding year, held permits to graze numbers of stock equal to or greater than that for which application is made. The District Forester may suspend the maximum limit in special cases.

PERMITS TO NEW OWNERS.

Reg. G–12. Grazing applications, other than for renewal of permit, will not be approved if the average number of stock per permit upon the Forest is more than 20 per cent below the established protective limit number, or if the approval of such applications require a reduction of more than 20 per cent upon any permit of the preceding year. If a Forest is fully stocked the total number of stock to be

distributed among new applicants and permittees below the protective limit during one year must not exceed 3 per cent of the total number authorized for the year, and no new permit will be issued for more than one-half of the protective limit number; or, if the average number of stock per permit is less than the established protective limit, no new permit will be issued for more than one-fourth of the protective limit number, nor will such permit be issued except for stock which will be fed during the winter from the products of the permittee's ranch.

Upon fully stocked Forests, applications other than for renewal of permit will not be considered unless filed with the Supervisor six months before the beginning of the grazing season.

Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants for a period of three years from the date of the waiver, except as purchasers of permitted stock.

RENEWAL OF PERMITS.

Reg. G–13. Grazing permits will be renewed only when the grazing of the class of stock involved is authorized by the Secretary of Agriculture. Permits for numbers of stock in excess of the established protective limits will be subject to reduction in their renewal, and no division or sale of stock and ranches will exempt such permits from reduction. A permit may be divided in its renewal because of division of stock and ranches between two or more owners or purchasers, but not more than one permit will be issued for less than the protective limit number of stock because of such division.

A renewal of permit may be allowed the purchaser of stock grazed under permit and the ranches used in connection therewith, provided that the permittee from whom the stock is purchased has used the range during three or more successive years and the purchaser has secured a waiver from the permittee of all preference in renewal of the permit. The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if he is the owner of improved ranch property which is commensurate, and used in connection, with the stock a renewal of permit may be allowed for not to exceed 80 per cent of the number of stock purchased, and provided that a full renewal will be allowed if the purchaser is a resident ranch owner who does not own a total of more than the protective limit number of stock. When all stock grazed under permit and all ranch property used in connection thereof by a permittee is purchased a full renewal of permit may be allowed subject to the maximum limit restriction and to necessary reductions applicable to other permits of the same class.

SETTLEMENT OF CONTROVERSIES.

Reg. G–14. Whenever there is a dispute between grazing applicants for the same area the Supervisor will notify them to appear before him at a stated time and place, to make a statement of their claims. After all evidence has been presented the Supervisor will decide who shall be granted permits, and will forthwith notify each party to the dispute of his decision and his reasons therefor, which will be final unless written notice of appeal to the District

Forester is given within 10 days thereafter. Upon filing such notice 20 days will be allowed for preparation of the case for presentation to the District Forester.

APPEALS.

Reg. G–15. The disapproval of an application for grazing privileges, the denial of an increase or the requirement of a reduction in the number of stock covered by a permit in its renewal, or the disapproval of a request for a certain range allotment by the Supervisor shall be considered final unless written request for a reconsideration of the case is filed with the Supervisor within 10 days from the date of the receipt of his decision. The decision of the Supervisor after a reconsideration of the case shall be considered final unless written notice of appeal to the District Forester is filed with the Supervisor within 10 days from the receipt of his decision. The decision of the District Forester, under this or the foregoing regulation, shall be considered final unless written notice of appeal to the Forester is filed with the District Forester within 10 days from the receipt of his decision. Appeal may also be taken to the Secretary of Agriculture from adverse decisions of the Forester and must be presented to the Secretary of Agriculture within 30 days from notice of the decision of the Forester. Appeal under this or the foregoing regulation to the District Forester, the Forester, or the Secretary of Agriculture will avail only when it is shown by the evidence submitted that the decision is not warranted by the facts or is contrary to the grazing regulations or the instructions covering the allotment of grazing privileges.

BONDS.

Reg. G–16. Whenever it is necessary for the protection of a National Forest, or of the interests dependent upon it, the Supervisor may require the owners of transient stock, or nonresidents of the State or Territory in which the National Forest is located, or persons who have persistently violated the regulations of the Secretary of Agriculture to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit.

PERMITS NOT TRANSFERABLE.

Reg. G–17. Permits will be granted only for the exclusive use and benefit of the owners of the stock, and will be forfeited if sold or transferred in any manner or for any consideration. If stock grazed under permit is sold during the term of the permit the original permit must be surrendered to the Supervisor, who upon receipt of evidence that the sale is bona fide will cancel the original permit and will issue, free of charge, an amended permit to the original permittee for the number of stock retained and a permit to the purchaser for the number of stock purchased, which will allow the grazing of such stock upon the National Forest during the remainder of the permit period. Action upon the application of the purchaser in subsequent permit allotments will be in accordance with the regulations and instructions governing the renewal of permits to purchasers.

ON AND OFF PERMITS.

Reg. G–18. Persons owning stock which regularly graze on ranges only partially included within a National Forest, or upon range which includes private land of unknown ownership, may be granted permits for such portion of their stock as the circumstances appear to justify, but may be required so to herd or handle their stock as to prevent trespassing by that portion for which a permit is not granted.

PRIVATE LANDS.

Reg. G–19. Persons who own, or who have leased from the owners, unfenced land within any National Forest which they desire to use for grazing purposes without being required to keep their stock upon the land, upon waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed upon National Forest land under permit, will be allowed, free of charge, to graze the number of stock upon the National Forest which the private lands will support.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease, and must state the number and kind of stock permit is desired for, the range which it is desired to occupy, and the period during which the stock will remain upon the Forest. Permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

CROSSING PERMITS.

Reg. G–20. Persons wishing to drive stock across any portion of a National Forest to reach either private or public lands, except when the stock will be driven along a public highway or will not be grazed upon National Forest lands, must make application to the Supervisor or other Forest officer for a permit to graze the stock en route and must have a permit from the Supervisor, or such other Forest officer as he may designate, before entering the National Forest. The application must state the number of stock to be driven, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the Forest officers, and will only be allowed for the period necessary for stock to cross the National Forest.

ADVISORY BOARDS.

Reg. G–21. Whenever any live stock association whose membership includes a majority of the owners of any class of live stock using a National Forest or portion thereof shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the District Forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local Forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between different classes of stock or their owners, or the adoption of special rules to meet local conditions.

Whenever a State livestock association appoints an advisory board it may be recognized by the District Forester and consulted with in regard to matters which affect the general administration of the National Forests within the entire State.

Whenever a National livestock association, representing the owners of any kind of stock, appoints an advisory board or committee representing the users of the National Forests in all of the different States, it will be recognized by the Secretary of Agriculture and the Forester and consulted with annually regarding matters which concern the general welfare of the stockmen using the National Forest ranges.

COUNTING STOCK.

Reg. G–22. When an owner who has a permit is ready to drive in his stock he must notify the nearest Forest officer, by mail or otherwise, stating the number to be driven in. If called upon to do so, he must provide for having his stock counted before entering a National Forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by permit if the Forest officer is notified of such action at once.

DAMAGE TO ROADS, TRAILS, OR SPRINGS.

Reg. G–23. Each person or group of persons granted grazing permits must repair all damage to roads or trails caused by the presence of their stock in any portion of a National Forest, and build any new roads or trails found necessary for the proper handling of their stock. They must also fence any spring or seep which is being damaged by the tramping of their stock, and, if required by the Supervisor, must pipe the water into troughs for watering stock. Such troughs must be open for public use.

BEDDING SHEEP AND GOATS.

Reg. G–24. Sheep and goats must not be bedded more than six nights in succession in the same place, except when bedding bands of ewes during lambing season; and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

DISPOSITION OF CARCASSES.

Reg. G–25. The carcasses of all animals which die on the National Forest from contagious or infectious diseases must be burned and the carcasses of all animals which die in the close vicinity of water must be removed immediately, and buried or burned.

SALTING STOCK.

Reg. G–26. Whenever the Forest officers require it, all stock grazed under permit must be salted regularly at such places and in such manner as they may designate.

QUARANTINE AND LOCAL LAWS.

Reg. G–27. All stock which is grazed under permit in, or allowed to cross, any National Forest will be required to conform to the quarantine regulations of the Secretary of Agriculture, and all live stock laws of the State or Territory in which the National Forest is located. Forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of stock, and will promptly inform the State officials of all violations discovered.

PROTECTION OF GAME, FISH, AND BIRDS.

Reg. G–28. All Forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of birds, fish, and game. When properly authorized to do so they will act without additional pay as deputy game wardens with full power to enforce local laws, but may not accept any fees or rewards or parts of fines on account of the enforcement of State game laws. Forest officers and employees may, however, accept any bounties voluntarily offered by any State or county or any association or individual for the destruction of predatory wild animals.

INSTRUCTIONS TO FOREST OFFICERS.

U. S. Department of Agriculture,
Forest Service,
Washington, D. C., March 18, 1911.

The following procedure and instructions are hereby established and issued to take effect May 1, 1911, governing the enforcement of the regulations of the Secretary of Agriculture relating to the grazing of live stock in the National Forests.

H. S. Graves, *Forester.*

Approved:
James Wilson, *Secretary.*

ALLOTMENTS. (Reg. G–1.)

Authority.

The Secretary of Agriculture prescribes the number and class of stock to be allowed upon each Forest and the schedule of grazing fees. The yearlong fees for each Forest within the limits prescribed by the Secretary of Agriculture are determined by the Forester to secure uniformity between different administrative districts. The short grazing periods and the accompanying fees are determined within the limits prescribed by the Secretary of Agriculture by the District Forester to secure uniformity between different Forests in the same District.

Applications, for an unauthorized class of stock.

When an application is received for grazing a kind of stock which has not been provided for by the Secretary of Agriculture, a full report with recommendations will be made to the District Forester and his instructions received before disapproval of the application.

Allowance letters effective until revoked.

All instructions in reference to the issuance of permits for any one year will remain in force during subsequent years unless revoked or superseded by other instructions.

Stock chargeable against allotment.

All stock upon which fees are paid are counted against the number of stock allowed upon a Forest by the Secretary of Agriculture.

Stock not chargeable against allotment.

Stock grazed free of charge under Reg. G–2 or under Reg. G–19, stock grazed under free permits issued on account of the sale and transfer of stock, Reg. G–17, or under free crossing permits, Reg. G–20, and stock under 6 months old at time of entry, which is the natural increase of stock covered by permit, are not chargeable against the allotment.

Allowance must not be exceeded.

The total number of stock allowed under paid permit upon the Forest at any one time during the year must not exceed the number authorized by the Secretary of Agriculture under Reg. G–1.

When the issuance of permits for different short periods causes the total number of stock covered by all permits issued during the year

to exceed the number authorized, an explanatory note should be added in making the annual report at the end of the fiscal year.

Allowances on new Forests or additions.

Where Forests are created or additions made after the beginning of the grazing season, the Secretary of Agriculture, except under unusual circumstances, will authorize the grazing use of the area free of charge and without permit until the beginning of the next grazing year by all persons who have regularly used the range during preceding years for any class of stock.

Stock census on new additions.

During the first season a Forest or new addition is under administration, the Supervisor should make an investigation to ascertain the names of the stockmen using the range and the number of each kind of stock they are grazing upon it, and any other information necessary for him to make proper recommendations in his annual Forest plan in reference to grazing allowances, periods, rates, and the division of the range into grazing districts. This may be accomplished by sending to the rangers a list of all questions upon which the Supervisor desires information.

If he considers it necessary for the proper control of grazing upon newly created Forests or upon new additions to the Forests, the Supervisor may issue herders' identification cards to persons who show priority in the use of the range, retaining a record of each card.

Grazing estimate.

Since the Secretary of Agriculture's authorization is based upon the Supervisor's estimate of the grazing capacity of his Forest, the estimate should be carefully prepared. The first step should be to divide the entire range among the different classes of stock. Having ascertained the area of range available for each class of stock, the number it will support will be determined. This estimate should, as far as possible, be based upon the normal condition of the range and should not be varied from year to year to meet departures from normal, except as a measure of Forest protection. Increased capacity due to natural conditions known to be abnormal should not be accepted as grounds for increases in the numbers of stock. The allotment should in every case be low enough to prevent damage to the Forest.

Based upon normal conditions.

Lands not considered.

In preparing estimates, the Supervisor will not consider the carrying capacity of the following classes of land:

Patented lands of any character.

Subsisting mining locations.

Entries under United States land laws.

Indian allotments.

State lands granted or selected under Acts of Congress.

Railroad lands within primary grant limits.

Surveyed and selected railroad lands within indemnity limits or other selections provided for by law.

Subsisting squatter's claims.

Land included in estimate.

The carrying capacity of all Government lands within the National Forests not otherwise reserved or closed to grazing for protective purposes and unsurveyed school sections or unsurveyed lands within indemnity limits of railroad grants should be considered in the estimate.

Grazing on private lands.

The permits issued by the Forest Service do not grant authority to graze stock upon any except National Forest lands, and the Government is not responsible for the intrusion of permitted stock upon private lands. Controversies must be settled between the owner of the stock and the owner of the land under the State laws and in the State courts. They are not violations of the regulations and do not require action by the Forest Service.

Grazing periods.

Grazing periods will be established for each National Forest to meet the general needs of the people and to secure an economical use of the forage. No reduction in grazing fees will be made when the stock do not graze upon the National Forest during the entire period allowed, nor will an increased number of stock be allowed to enter the Forest for this reason.

Extension by Supervisor.

The Supervisor may allow stock to enter not more than 15 days in advance of the date fixed for the beginning of a grazing period, or allow it to remain 15 days after the expiration without additional charge, when the needs of the people demand such action and the condition of the range warrants. The additional time will not be stated in the permit, but permission to enter before or remain after the regularly established dates will be given either by general notice or by a letter written to the applicant.

Points to consider.

In fixing the grazing periods, an endeavor is made to make them meet local conditions and to allow grazing when the particular range in question can be used to the best advantage without injury to the Forest. It is inadvisable to hold stock on winter ranges in feed lots after the range within a Forest is ready for use. It is still more inadvisable to allow stock on Forest ranges before the feed has started, or while the range is so wet that the stock will cause injury to both forage and tree growth. The condition of the range rather than the desires of the applicants must determine the period. Supervisors should endeavor to recommend seasons which secure the best use of the range without damage.

Special seasons.

When grazing periods have been fixed by the Forester or the District Forester, stockmen will be required to secure permit and pay the fee for the full period. Special seasons can be allowed only in cases where the circumstances render such action absolutely necessary. For example, if a certain range will support 10,000 head of sheep from June 1 to October 31, its incomplete utilization means a loss of forage values, a loss of revenue to the Government, and a loss of opportunity by others than the permittees to put stock on the range.

Five-year applications.

On Forests where all controversies have been settled and conditions are such that under ordinary circumstances no material changes are liable to be made in ranges, grazing areas, or the number of stock allowed, the Supervisor may recommend the acceptance of five-year applications, which, upon approval by the District Forester, will be authorized by the Secretary of Agriculture. The permit will be issued annually and the approval of the application for a five-year period will only guarantee a renewal from year to year during the five-year period in the event that grazing is authorized by the Secretary of Agriculture, and there is no cancellation of the permit by him.

Annual reduction. All applications for grazing during a term of years which are approved for more than the protective limit number of stock will be subject to an annual reduction not exceeding 5 per cent to provide for the issuance of permits to new settlers within or in the immediate vicinity of the National Forest, and to any additional reduction which may be necessary to stop damage to the Forest. Applications for the renewal of permits at the expiration of the term of years, if approved, will be subject to such reduction as may be necessary to provide for the issuance of permits to other new settlers or new owners.

When issued. Permits during a term of years will not be authorized on Forests where it is apparent that the number of stock using the Forest must be materially reduced to stop damage to range or Forest, or where radical changes may be necessary to adjust the rights of permittees.

Approval of uses. Since the approval of applications for permits during five-year periods is entirely for the purpose of giving better service to the stockmen, the system should not be recommended unless it meets with the approval of a reasonable number of the users of the Forest. Supervisors who have been authorized to approve applications for term permits need not insist upon their acceptance if the stockmen do not care to take advantage of the privilege or, having done so, desire to discontinue it.

Monthly permits. Monthly permits will be authorized only for winter grazing where special conditions warrant it. Despite the fact that they may be more convenient for the permittees, there are several factors which render the general issuance of permits on a monthly basis impracticable from an administrative viewpoint. The first is that the practice will result in a disregard of the periods of use to which the ranges are naturally adapted, with consequent incomplete utilization, alternate understocking and overstocking, loss of range capacity, loss of control, and loss of revenue. Another objectionable feature of the monthly permit system is that it would require each ranger to keep account of the dates upon which each permit began and ended, and each Supervisor to maintain a similar record. Such permits would necessarily be subject to extension and additional payments would be required. For these reasons special seasons will not be allowed unless demanded by exceptional conditions.

Not practical.

Winter ranges. Winter ranges should not be allotted for use during the summer if such action will prevent their proper use during the winter by settlers residing in or near the Forest who are dependent upon such ranges for wintering their stock. A range which can not be used during the summer season but forms a part of the winter range can not be classified as an unused range in the sense that term is used when Supervisors are authorized to allow permits for increased numbers of stock contingent upon the development of unused ranges by the creation of new sources of water supply, etc.

Procedure. Upon receipt in the District office of the Supervisor's annual plan the grazing section will be referred to the office of Grazing. The Assistant District Forester in charge will review the report of grazing conditions and pass upon the recommendations. He will then prepare a memorandum to the Forester recommending the number of each class of stock to be authorized upon the Forest during the following

District office.

season. A letter for the signature of the District Forester to the Supervisor will then be prepared giving detailed instructions for the handling of the grazing during the coming season and covering the following points:

1. The number of stock of each class authorized.
2. The grazing periods.
3. The grazing fees.
4. Allotment of stock.
5. Special points of policy or administration.
6. Instructions for advertising.

Two carbons of this letter undated and signed by the District Forester and bearing a space for the Forester's approval, together with the District Forester's memorandum and a copy of the grazing section of the Supervisor's annual Forest plan, will be forwarded to the Forester, the original of the District Forester's letter being held in a waiting file.

Washington office.

After its receipt in Washington and after the authorization for grazing has been signed by the Secretary of Agriculture and the yearlong fees approved by the Forester, the District Forester will be notified by wire and the approved carbon of his letter mailed to him. On receipt of the telegraphic approval he will date and mail his instructions to the Supervisor after making the proper entries on the authorization record card. (Form 404.) If modifications of the District Forester's letters are required he will be notified by letter and will change his instructions to the Supervisor accordingly.

STOCK EXEMPT FROM PERMIT. (Reg. G-2.)

No stock may be grazed without a permit, except milch or work animals which are in actual use. A settler owning only 10 head or less of stock which are neither milch nor work animals will be required to apply for permit and pay the grazing fees, while a settler owning any number of stock will be allowed to graze 10 head of milch or work animals without permit and free of charge.

Discretion of Supervisors.

The privilege must not be abused, but, on the other hand, some discretion may be used in the interpretation of the term "milch or work animals." The settler's family may be using all the milk produced or he may be operating a dairy. Saddle animals may be used for handling stock grazed under permit and at the same time be stock horses which are bred or sold by the permittee as a part of his stock business. Work horses may be used in timber sales or improvement work for a part of the season and for other purposes during the remainder of the time. Milch cows may dry up and run on the range during a part of the season. The determination of whether an exemption may or may not be allowed rests with the Supervisor, the only restriction being that each class of animals must be used for the purposes mentioned at least during a part of each year, or else must be covered by a grazing permit. A saddle horse not in use and turned out to graze during any entire established season should be covered by permit.

In cases where transportation companies are grazing large numbers of horses which are used in transporting travelers within National Forests, the stock must be covered by permit.

Special concessions to Indians.

Special concessions may be made by the Secretary of Agriculture to Indians who are dependent upon the use of the National Forest ranges for the pasturage of their stock. In all cases where it appears that concessions should be made to Indians a report of the facts will be made by the Supervisor to the District Forester who will forward a copy of the report to the Forester with suitable recommendations.

Record of stock grazed without permit.

Rangers will keep a record and include in their report for the quarter ending September 30 each year, a statement of the approximate number of owners and of stock grazed without permit in each district, in order that the Supervisor may consider it in his annual Forest plan.

The grazing of any class of stock upon any part of a National Forest is allowed under authority of the Secretary of Agriculture. By authority of the act of June 4, 1897, regulations of the Secretary of Agriculture govern the use of public lands within the National Forests and are supreme, even though the State law is in conflict with them. When not in conflict with the Federal law, the State law is effective.

Exclusion of stock.

It is within the authority of the Supervisor to close an area from all grazing, to reduce the number of stock allowed upon it, or to prohibit its use by certain classes of stock when the silvicultural needs of the Forest demand it. For instance, sheep may be excluded from a timber-sale area for a certain number of years after cutting; or, in a year of scarcity of mast, hogs (otherwise permitted) may be excluded from the oak type. Where planting operations are being carried on, it will usually be necessary to exclude all classes of stock.

If silvical investigations show that grazing is responsible for the scantiness or lack of reproduction over a considerable area, a portion of it may be withdrawn from range use until young growth has become established, several years later another portion, and so on until the whole area has been treated. It is desirable, of course, to secure the welfare of the Forest with the least possible friction or interference with the stock interests. When it becomes necessary to prohibit all grazing on an area of such an extent as to necessitate a reduction of the number of stock allowed on the Forest for the purpose of forest protection or to protect the water supply of a community, the Supervisor should request an investigation from the District office. If it is found necessary, the Supervisor, with the District Forester's approval, will take the action. Where action of this sort can not be effected by a shift in ranges but will result in a cut in the number allowed a permittee or in the entire exclusion of his stock, copies of the letters rejecting the application or amending a permit will be sent the District office with necessary explanations in order that the District Forester may be in a position to answer complaints. Where the cancellation of a permit is entailed, the District Forester will take the action. Except in emergency cases closures should be made to take effect at the beginning of the grazing season and outstanding permits allowed to stand through the period granted.

Poisonous plant warning.

When any area within a National Forest contains a growth of poisonous plants in such quantity as to make dangerous its use for grazing and the danger period has been determined, the exterior limits of the area will be posted with warning notices (Form 766) cautioning stockmen against allowing their stock to graze within the area during the time when the poisonous plant is dangerous.

Best use of each class of range.

The ranges within the National Forests should be used by the kind of stock for which they are best adapted, except when this would not be consistent with the welfare of the local residents or the proper protection of the Forests. When an application is received for a kind of stock not previously allowed to graze upon a range, the Supervisor should determine, first, whether the change can be made without injury to the Forest or the flow of streams; second, to which class of stock the range is best adapted; and, third, whether the change will be detrimental to the interests of the people residing in the vicinity of the range. The change will be made by the District Forester only when all three conditions are favorable.

Range districts.

For convenience of administration, Forests will be divided into grazing districts. A typical Forest with an area of 1,000,000 acres should usually be divided into from four to six districts, which may be natural grazing units, natural administrative units, or parts of the Forest used by different classes of stock growers or different classes of stock. Wherever possible they will coincide with the lines of the administrative districts.

Range division.

These should also be divided into grazing divisions which should be natural grazing units defined by topographic boundaries with their limits determined largely by the class of stock which is to use them. Cattle and horses ordinarily graze both ways from a stream but seldom cross the summits of the surrounding ridges. Sheep and goats ordinarily graze the crest and slopes of a ridge or mountain but will cross none but shallow streams except on bridges. This should be kept in mind in fixing range boundary lines. Divisions, being smaller than a district, should usually be for the use of one class of stock and should be designated by well-known local names, such as "Mormon Lake Division." These range divisions may, where advisable, be divided into individual ranges.

Individual range allotments.

Cattle and horses will be allotted individual ranges when topographic conditions and methods of handling make it practicable, but sheep and goats will be in every case, unless unusual circumstances prevent. The confinement of cattle or horses to individual ranges in a flat country would, of course, necessitate constant riding and increase the cost of handling and is therefore inadvisable. When cattle and horses are assigned individual ranges, the permittees will be required to make a reasonable effort to keep their stock within the limits of their range divisions.

The manner in which sheep and goats are handled makes individual allotments both practicable and desirable. The mixing of herds and the consequent loss of lambs are avoided and each permittee is encouraged to improve range conditions by better methods of handling his stock. The lines of individual sheep allotments should be as clearly defined as possible and every effort should be made to have them thoroughly understood by the herders and camp tenders immediately after the sheep enter the range. A full description should be written in or on the back of the permit, and the boundaries should be marked where practicable with posters. (Form 222.) When range conditions are fairly well settled the practice of furnishing each permittee with a copy of a map showing his own

and the surrounding ranges is an excellent one. In making individual range allotments the number of cattle and horses which will stray upon them must be considered and proper allowance made for this excess.

Driveways.

Whenever it appears necessary for stock to cross regularly any portion of a National Forest the Supervisor will report the fact, with a description of the regular route traveled, the width of driveway necessary to allow the proper grazing of stock en route, the number and class of stock which will probably cross, and the number of days required for crossing.

Established by District Forester.

Upon receipt of such a report, if the circumstances warrant, and grazing upon the area of the kind of stock involved has been authorized by the Forester, the District Forester will establish the driveway and define the rights to be granted.

Permits will be required for stock crossing the Forest on a regular driveway.

If occasion demands, rangers may be detailed to accompany the stock and see that there is no delay or trespassing.

The driveway should be as short, as easy of passage and access as the character of the country will permit. It should also be established with care for the interests of permittees using adjoining ranges, and it is most important that it should be properly marked with posters along the exterior limits, as suits and prosecutions for straying therefrom can not easily be maintained in the absence of such notices.

GRAZING FEES. (Reg. G–4.)

The full grazing fee will be charged on all animals under six months of age which are not the natural increase of stock upon which the fees are paid.

Extension of permits.

Grazing permits for the summer season may be extended to cover the entire year whenever there is winter range available within the National Forest, upon the payment of the difference between the summer and yearlong rates on stock covered by the original permit and on all animals which have reached the age of 6 months during the summer period.

In the extension of permits for the summer season to cover the yearlong period, supplemental permits for the number of stock which have reached the age of 6 months, in excess of the number covered by the permit for the summer season, may be issued whenever this will not result in injury to the Forest.

Any increase in the number of stock allowed under such an extension is temporary, and the applicant's preference for the following year will be based on his original permit.

In determining the rates for periods less than one year, no division of less than one-fourth of 1 cent will be made in the rates for sheep, goats, or swine, or of less than 1 cent in the rates for cattle and horses. For example, if in computing the rate for a short period on sheep the result obtained is 6.8 the rate will be fixed at $6\frac{3}{4}$ cents, but if the result is 6.9 the rate will be fixed at 7 cents. Under the same plan if the result obtained in computing the rate for a short period on cattle is 28.5, the rate will be fixed at 28 cents, but if the result is 28.6 the rate will be fixed at 29 cents.

Leases.

There is no law which authorizes the leasing of National Forest lands for grazing purposes and there are several reasons why the use of National Forest ranges under an acreage lease system is impracticable. It would greatly increase the difficulty of proper silvical development, prevent a proper use of ranges under abnormal natural conditions, and tend to exclude the smallest owners. Adequate protection of the Forest would be rendered difficult if not impossible because a lease even though filled with careful restrictions would give the lessee some right to dictate the use to which the area would be put. During the tenure of the lease no part of the tract could be closed to grazing even though the necessity was urgent to prevent the destruction of seedlings, to secure reproduction on cut-over or burned areas, or to protect important watersheds. The privilege would be a fixed instead of a flexible one, and if during the period forage was destroyed by fire, insects, or other cause the stock would have to be removed from the Forest instead of being transferred temporarily to another range. The leasing system would practically result in a number of individual allotments equal to the number of permittees and this would tend to shut out the small owner because he could not afford to hold his

stock upon the small area to which he would be entitled. Fencing of the leased areas would necessitate leases for a term of years, and term leases would not only hamper Forest management, but also preclude recognition of new applicants who might be entitled to range.

The majority of the National Forest users are small owners who prefer the right to graze a fixed number of stock rather than the right to use a specified range, with a maximum but no minimum limit.

Charges for sheep.

The rates charged for sheep as shown in Reg. G–4 are, when the quality of the range and advantages are equal, 30 per cent of the rates charged for cattle for the following reasons:

First. The proportionate number of stock under 6 months of age grazed free on permits is much greater with sheep than with cattle. In the feed lot the amount of feed required for one cow will support eight sheep. On the National Forest range, where only the grown stock is counted, the proportion is reduced to one to five, because the proportion of lambs to the old stock is much greater than the proportion of calves, and also because lambs mature more rapidly than calves and require more feed.

Second. Under the customary methods of handling stock upon the range, sheep are more destructive to the young forest growth than cattle, being herded in bands while cattle are turned loose. The amount of forage destroyed by trampling by herded animals is also much greater than the amount destroyed by animals running loose. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. This justifies a further reduction in the comparative charges to the rates for grazing sheep and goats fixed by the regulation.

Charges for horses.

In ordinary range management it is found that horses require about 25 per cent more range space during a given period than is required by cattle. In many localities horses utilize feed that would otherwise remain unused and consequently often graze upon fully stocked cattle or sheep ranges without any injury from overgrazing, but as they are more readily disturbed, travel greater distances and at greater speed than cattle, they do more damage to forage and tree growth through trampling and as a result require more of the range.

Charges for swine.

The forage consumed by swine is difficult to compare with that consumed by cattle, as their feed is mast, roots, and bulbs, rather than forage grasses and plants, but in purposes of administration two head of swine will be considered equal to one cow. On account of the cost of regulating hog grazing, the very large proportionate natural increase, and the damage from rooting, 60 to 75 per cent of the rate for cattle is equitable.

Charges for dry sheep.

A band of dry sheep will not consume as much forage as a band of ewes with lambs, but since they will run and mass to a greater degree the demand on range is about equal. The high summer ranges of the National Forests are required to enable ewes to produce the maximum amount of milk to give the lambs the growth they require to prepare them for market. Therefore as between the two classes the higher and better ranges should be given to the ewes and lambs. The absence of lambs

in a band does not justify any reduction below the rates charged for ewes with lambs, and persons grazing dry sheep will not be given a reduction in rates or an increase in number.

Charge for lambing.

The additional charge of 2 cents per head for the privilege of lambing ewes upon the National Forests is intended to be an extra charge for a special use of the range. It should not be included with the season fee but should be figured separately upon the basis of the number of ewes or does to be lambed or kidded. The control of suitable lambing grounds is one of the most important factors in successful sheep raising. The intensive method under which sheep must be handled during the lambing season causes more damage to the range than ordinary grazing, and the lambing charge is made for the use of the range for a special purpose which causes more than ordinary damage to the range. It is not on account of the additional feed required by the lambs.

The phrase "for the purpose of lambing or kidding" should be construed to mean the use of a range during the period from the time the first lambs or kids are born until the herds are made up for summer grazing, or ordinarily the period during which the herd is on the lambing grounds. The mere fact that lambing corrals are located upon patented land within the Forest or upon public lands immediately adjacent will not relieve a permittee from the payment of the lambing charge. Two cents per head will be charged in all cases where drop bands are grazed upon the Forest or where ewe bands enter the Forest immediately after the lambs are dropped and before the herds are made up for the summer. If a lambing ground is located partly within a Forest and partly outside, or on private lands, so that the stock will be grazed on and off the Forest during the lambing period, there should be a division of the extra charge for lambing on the same basis as the on-and-off grazing fee.

While it is true that in some cases ewes or does entering the Forest with lambs or kids after the herds are first made up must be confined to a limited area until the young are able to travel and consequently damage the range to an unusual extent, the element of special use and damage is not present and they will be charged for at the regular rate established for sheep and goats for the period.

Grazing fees payable in advance.

In cases where it is difficult beforehand to determine the use that can be made of a privilege, permits should be issued for the established period which most closely meets the requirements of the case. Special authority may be secured later for refund of the unearned portion of the fee when the circumstances warrant on the basis of the percentage of use secured by the permittee. Since a refund requires the approval of the District Forester, permits must not be issued with the understanding that a refund will be made.

Emergency concessions.

If an emergency requires that stock be allowed to enter the Forest immediately, the District Forester may authorize the Supervisor to allow the stock to enter upon evidence that the fee has been forwarded to the United States Depository, the permit to be issued when notice of receipt of the remittance is received. In no case will stock be allowed to enter the Forest before remittance has been made.

Nonpayment of fees.

The last paragraph of this Regulation should be enforced within the discretion conferred by the regulation. It is not the intention to bar the applicant from all future use of the range because he fails to pay his grazing fee for one season. If he fails and his stock graze upon the Forest he becomes a trespasser and may be denied a permit until he settles his trespass; or, if he makes application without intending to use the range but merely to hold it to the exclusion of other applicants, he may be denied a permit. If his failure to make the required payment does not deprive others of range or necessitate a readjustment of grazing allotments, it may be overlooked and need not be made the grounds for a rejection of an application.

Permits.

Upon receipt of notice by the Supervisor that the fees have been paid a permit will be issued.

Issued only after payment.

When the amount paid is less than the amount due, the Supervisor will notify the applicant to remit the remainder, withholding the permit until he does so. If after a reasonable time the applicant fails to remit the amount due, the Supervisor may issue a permit for the number of stock which the fees paid will cover.

Grazing permits will be issued only for authorized periods, except when it is necessary to shorten the period to stop damage to the Forest.

Yearlong permits will begin at the opening of the summer grazing season and end on the day preceding the corresponding date of the following year.

Range description.

Unless the range to be occupied is clearly stated in each permit, a suit for trespass brought against a permittee for grazing his stock on the ranges of others may fail.

Procedure.

The permit will be prepared in triplicate and given the number of the application on which it is issued. The original, accompanied by the original letter of transmittal, will be sent the permittee, one copy to the ranger interested, and the third filed in the Supervisor's office.

Term permits will show the year for which issued, thus: "Five-year period, first year."

The District Forester may in his discretion require copies of permits issued to be sent to him for review.

REFUNDS. (Reg. G–6.)

Excess payments.

Whenever payment in excess of the amount due is made, the amount overpaid will be refunded. Applications for the refund of moneys in excess of the amount due must be accompanied by a copy of the grazing permit issued, showing the amount received and the number of stock and grazing period covered by the permit.

All claims for refunds will be considered in accordance with Regulation G-6.

Grounds for refund.

Applications for the refund of money paid on account of a grazing permit must be accompanied by a statement giving the reasons for not using the permit. This may be either the written statement of the permittee or a report by a Forest officer who has looked up the case.

Refunds will be made to a person who applies for a permit and does not use it only when the nonuse is caused by some circumstance over which he has no control. Unusual climatic conditions, floods, high water in streams, heavy snow, etc., or infectious disease causing quarantine by Federal or State authority, loss of stock caused by poison, disease, railroad wrecks, or in some unusual manner are all good reasons for refund. In all cases of unusual loss where it is either impracticable or impossible for the applicant to secure other stock, a refund may be made, but if the stock can be replaced this should be required, as in the case where a portion of the stock has been sold and removed from the range.

An equitable portion of the grazing fees may be refunded when a permittee is prevented from enjoying the full use of his range by reason of trespassing stock entering upon it or on account of an error by a Forest officer.

Sale of stock.

Refunds will be made on account of stock having been sold only when the preference in renewal of the permit is waived by the original owner to the Government and the purchaser is allowed a permit. In such a case the fees on the number of stock repermitted may be refunded to the original permittee on his request.

The amount which will be refunded will not exceed the amount of the fees due on the permit issued to the purchaser. The difference, if any, between the amount paid on the original permit and the amount due on the new permit will not be refunded. A permittee who sells his stock under conditions which justify a full renewal of the permit to the purchaser, and signs a waiver to its renewal to himself (Form 763), is entitled to a refund of the full amount paid. If the conditions justify a renewal for only 80 per cent of the number of stock covered by the original permit, then 80 per cent of the original payment will be refunded.

Failure to purchase stock.

Persons who make application to graze stock which they do not own but intend to purchase will not be entitled to a refund because they fail to secure the stock. They may, however, reserve the right to place stock upon the range at any time during the period allowed by the permit.

Stock to be purchased.

In many cases applications are submitted for the privilege of grazing stock which the applicant expects to buy later in the season, and the Supervisor approves the application and issues the permit. Later developments lead the applicant to believe that more money can be made by some other action and he requests a refund of the fees paid. Such refunds should not be approved. By the issuance of a permit the Forest Service has done its part in reserving sufficient range for the number of stock covered. In such cases the range is at the disposition of the permittee during the period covered by the permit and he has the right to place the stock upon it at any time during the season. His failure to avail himself of the privilege does not constitute grounds for a refund.

Speculation in the use of the Forests can only be prevented by a strict enforcement of this rule.

Procedure payments and refunds.

Fees.

When payment of a grazing fee is required, the Forest officer will furnish the applicant with a letter of transmittal (Form 861–G), which must accompany the remittance to the United States Depository. A duplicate will be be sent to the District Forester by the Supervisor and a triplicate filed in the Supervisor's office. (See instructions under "Payments and permits," p. 30.)

Refunds.

Upon receipt by the Supervisor of an application for a refund and statement of the reasons therefor, he will forward it to the District Forester with a recommendation for its approval or rejection. Requests for refunds which are sent in error to the District office will be referred to the Supervisor concerned for report and recommendation. The District Forester will decide whether or not the refund will be made. If the request for a refund is approved, the Supervisor will be so informed and a Form A voucher, prepared for the signature of the person to whom the refund is to be made, will accompany the letter. The amount of the refund and the date of the voucher will be noted upon the duplicate letter of transmittal (Form 861–G).

When the voucher is returned signed it will be compared with the duplicate letter of transmittal, on which will be entered "Checked," with the date. The voucher will then be approved by the Chief of Grazing and sent to Accounts for payment.

If the request is disapproved, the Supervisor will be informed accordingly.

QUALIFICATION OF APPLICANTS. (Reg. G–7.)

Grazing privilege not transferable.

The use of the National Forests for grazing purposes is in the discretion of the Secretary of Agriculture. There is no law which gives an individual or corporation the right to graze stock upon National Forest lands, and the grazing use of such lands may be allowed by the Secretary of Agriculture only as a personal and nontransferable privilege. This privilege is a temporary one, allowable under the law only when it does not interfere with the purposes for which the National Forests are created. It is nontransferable because it is based upon the possession of certain qualifications peculiar to the permittee.

Prior occupancy.

By long use of the public lands of the United States for grazing purposes, stock owners have been suffered to graze their stock upon such lands under certain conditions of occupancy, residence, and ownership of improved land or water rights. This use, continued throughout a long period of years, has in the absence of Congressional legislation been commonly accepted in many communities, even receiving the recognition of certain of the courts. It is, however, allowed only by passive consent of the United States. By force of the Presidential proclamation creating a National Forest, such passive consent ceases and is superseded by definite regulations by the Secretary of Agriculture prescribed under the authority of Congress. Grazing stock upon the Forests, except in accordance with these regulations, is trespass against the United States.

Legal rights.

No one can acquire a right to the use of National Forest range, but he may acquire a preference in the allotment of grazing privileges. This preference does not entitle him to continued use of a certain part of a Forest, but only to a preference over other applicants less entitled to consideration, in the use of the ranges open to the class of stock which he wishes to graze. These preferences of their very nature possess relative degrees of superiority and consequently have a number of gradations.

Value of privilege.

Certain grazers may be given preferences in ranges secured by prior use and occupancy, supplemented in many cases by heavy investments in improved property and water rights. These preferences have a distinct value, and the failure to recognize them would mean a financial loss by reducing the number of stock which may be grazed and by the depreciation in the value of lands and improvements. Two conditions only would justify such action—when necessary to stop damage to the Forest, and when necessary to promote the settlement and cultivation of farming lands tributary to the Forest through a wider distribution of the grazing privilege. It is incumbent on the Service to allot limited privileges to actual settlers in order to accomplish this latter purpose, but a promiscuous division of grazing privileges among a number of owners

who are neither new settlers nor dependent upon the range is unwarranted. The policy of recognizing new settlers upon lands in or adjoining Forests who require limited grazing privileges to make their home successful will tend to equalize the number of stock allowed under each permit for an increase in the number allowed new owners to bring them up to a profitable basis, and must be accompanied by a reduction in the number allowed larger owners. New class B applicants should be granted permits only when the Forest is not fully stocked, and no reductions in the permits of other users will be necessary to accommodate them.

Preference may be secured in the following ways:

(*a*) By prior use and occupancy of lands included within a National Forest.

(*b*) By local residence, ownership of improved ranch property, and dependence upon the range for a livelihood. (See instructions under "Permits to new owners," p. 45.)

How preferences are gained.

(*c*) By the renewal of a permit formerly held by a copartnership or corporation to each individual member for a number of stock equal to his share in the original permit. (See instructions under "Renewal of permits," p. 47)

(*d*) By the purchase of a permittee's stock or ranches, or both, under circumstances justifying a renewal. (See instructions under "Renewal of permits," p. 47.)

(*e*) By inheritance of a permittee's stock or ranches, or both, under circumstances justifying a renewal of the permit. (See instructions under "Preferences," p. 37.)

The regular use of a range during its open season for several successive years, before creation of a Forest, and under grazing permit thereafter, is what is meant by "prior use" or "regular occupancy." So far as is consistent with other conditions, preference will be given to those who have continuously used the range for the longest period.

Prior use.

PREFERENCES. (Reg. G–8.)

Applicants for grazing permits will be given preference in the following order:

Class A.

Small near-by owners.—A class A owner is one who does not own more than the protective limit number of stock established for the Forest, who owns and resides upon an improved ranch within or adjacent to the Forest, and who is dependent upon the use of the National Forest range in connection with his ranch property. Until the protective limit is defined it is within the discretion of the Supervisor to determine whether an applicant is a large or small owner. A firm or corporation can not be considered as a class A applicant but may be allowed exemption from reduction below the protective limit.

Class B.

All other regular occupants of the range.—Class B includes owners of improved ranch property and stock in excess of the protective limit, and owners of stock either above or below the protective limit who do not own improved ranch property. Copartnerships, companies, and corporations may be class B owners. All permittees in this class must secure their permits on the basis of prior use and occupancy or the purchase of the stock and ranches of persons holding permits.

There may be several grades of class B applicants. One who owns a large amount of improved ranch property, or one who resides in the vicinity of the Forest, or who has used the range during a long period of years, or who feeds his stock during the winter, may be given preference over one who does not own improved ranch property adjacent to the Forest, or who resides at a distance from the Forest, or who has only used the range a few years, or who winters his stock on the range. Class B permittees are subject to sliding-scale reductions, although usually such reductions are not applied to permits for less than the protective limit.

Class C.

Owners of transient stock.—Class C embraces all grazing applicants not falling within classes A and B. A speculator who buys stock and places it upon the range at intervals, or the nomadic stockman with no fixed range who trails his stock to widely separated ranges would be class C owners. Class C applicants will be entirely excluded from the Forest before any reduction is made upon class B applicants.

Status determined by holdings.

An applicant's status is determined by the total number of all classes of stock owned by him. He can not be a class A cattle owner and a class B sheep owner. If he owns either class of stock in excess of the protective limit for that class he is a class B owner, or if he owns a per cent of the cattle protective limit and also a per cent of the sheep protective limit, which combined exceed 100 per cent, he is in class B. For

example, the protective limit being 100 head for cattle and 1,200 head for sheep, if he owned 50 head of cattle and 500 head of sheep (92 per cent) he would be in class A, but if he owned 75 head of cattle and 750 head of sheep (137 per cent) he would be in class B. An applicant owning sheep and cattle may, however, be in both class B and class C.

Ownership of ranch property.

By ranch property in the grazing regulations and instructions is meant lands producing cultivated crops which are used for feeding live stock. In localities where the production of feed is not a requisite to the stock business, the ownership of spring and fall range or lambing grounds by a bona fide local resident dependent upon the use of the range, should be given nearly the same if not equal weight with the ownership of cultivated lands. The same is true of the ownership of water rights which control adjoining National Forest range. In renewals to purchasers of permitted stock the ownership of spring and fall range or water rights closely related to the use of National Forest range may be given equal weight with improved ranch property. Property of this sort must be commensurate with the number of stock and actually dependent for its value upon National Forest range. To illustrate, a spring and fall range and lambing ground sufficient for 1,000 head of sheep might justify the approval of an application for a permit to graze 1,000 or less sheep upon a National Forest during the summer season, but not of an application to graze 2,000 head of sheep during the summer season or to lamb and graze 1,000 head of sheep during the spring and fall seasons.

Dependence upon range.

A person will be considered dependent upon the use of the National Forest range when the Forest lands adjacent to his own contain the only available stock range, and the grazing of a limited number of stock is essential to his success in the development of his land.

Residence is simply an index in determining the degree of dependence. A person residing at a distance from a National Forest must have other ranges open to him and can not be considered so dependent upon Forest range as one residing near by.

Cooperative associations.

Cooperative associations are formed to facilitate the handling of stock and reduce the cost, each member retaining his individual grazing preference and running his stock under his own name and brand.

Such a cooperative association may make one application for the entire number of stock owned by its members, if the application is signed by each one and is accompanied by a statement showing the number and brands of the stock owned by each. The approval of the application will be based upon the qualifications of the individual members. When the association disbands each member may renew his permit upon the basis of the number of stock which he grazed prior to the organization of the association with a proportionate share of any subsequent increases or decreases in the association permit.

If the association uses a common brand so that individual ownership can not be determined, or if its profits are distributed on a pro rata basis, it will be allowed the same privileges as a corporation, and entitled to recognition only when the members waive their individual preferences to the Government.

Firms, copartnerships, and corporations.

A firm, copartnership, or corporation must be in either class B or class C, for it can not be in class A. It can establish a grazing preference in two ways. By use and occupancy of the lands included within the Forest prior to its creation, and by the purchase of the stock or ranches or both of a permittee under conditions justifying a renewal of the permit.

A corporation can not be given the same consideration as an individual owner. Between two corporations—one composed of local residents and the other of nonresidents—preference will be given the local corporation. In no case will the individuality of the members of a corporation be considered in competition with independent individual owners.

Married women.

If the State laws give a married woman the right of independent ownership of real estate and live stock and she possesses the other qualifications which entitle her to a grazing permit, her application may be approved regardless of the grazing privileges held by her husband. If, however, the laws of the State provide that all property be held in common, the woman would be considered as owning the number of stock for which her husband holds permit.

Where the wife applies to graze stock she has purchased, again the State law on ownership would govern. If independent ownership is allowed and the purchase of the stock and ranches is strictly the wife's transaction, a renewal of the permit may be allowed even though the combined holdings of the husband and wife exceed the maximum limit. If the State laws require all property to be owned in common, then a permit can not be renewed on the purchased stock which would make the combined holdings of husband and wife exceed the maximum limit.

Unmarried women.

An unmarried woman of legal age is entitled to full consideration as a new applicant if she desires to take out a grazing permit.

Minors.

Minors who were not occupants of the range at the time of the creation of the Forest will not be granted permits except when they are at the head of a family dependent upon them for support. Minors under the control of parents or guardians may be granted permits if such action will not necessitate reduction in existing permits or the denial of applications of other class A owners.

Renewal to estates.

Pending the division of an estate, a full renewal of the permit held by the deceased should be allowed in the name of the estate and the duly appointed administrator. Upon the issue of a court decree dividing the estate the privileges allowed the estate will be granted the beneficiaries under the rule governing the renewal of permits on account of purchase, except that the permit for that portion of the stock allotted by the court decree to the widow or minor heirs will not be subject to the reduction made in the renewal of permits to purchasers.

As a general rule an heir or devisee should be considered as in the same class with one who has purchased stock grazed under permit. Applications of heirs will be adjudged on the basis of the class (A, B, or C) qualifications of the applicants.

Nonresidents.

Resident owners of stock which belong in the State or Territory in which a National Forest is located will be given the preference, but owners of stock coming from adjoining States will also be considered when the Forest is the natural range of the stock, and the nonresident owners are dependent upon it.

Transient owners.

Caution should be exercised in admitting transient stock to ranges which are not fully occupied by the stock of regular users. A permit may be granted an owner who is a transient resident in the locality with the understanding that it gives no permanent grazing preference.

Lessees and herders.

A person leasing stock or running it on shares or herding it for the permittee is regarded as an employee only and he can not be allowed any preference in the use of the range by virtue of the fact that he has run the stock under lease or on shares or has handled it for the owner. The status of the owner determines all preferences allowed in the issuance of grazing permits.

Retention of preferences.

Grazing preferences can only be retained by a continual use of a range. Applicants who apply to graze a reduced number of stock can not expect range to be reserved for them for a higher number later on. In the case of a voluntary reduction other applications may be approved for the number by which the first permit was reduced. The preference thus gained will not be surrendered because the first permittee applies a year or two later to graze the original number of stock.

Nonuse of range.

Applications from persons with established preferences will not be disapproved for nonuse of the range during one year if a statement giving satisfactory reasons is filed with the Supervisor before the opening of the grazing period, so that the Supervisor may make temporary disposition of the vacant range. Permits allowing the temporary use of such a range should stipulate that a renewal of the permit may not be allowed during the following year.

Nonuse of a range by a new applicant will cause him to forfeit all preference which has been allowed him.

State or Federal employees.

Permittees employed by the State or Government, wishing to discontinue the use of the range without losing their preferences, may do so by filing a statement of their employment and probable duration, the disposition made of their stock, and authorizing the Supervisor to dispose of their range privileges. Upon the expiration of their term of service their preference in the allotment of permits may be restored to them subject to any reductions or restrictions effective at the date of their reapplication.

Except in the case of Federal or State employees, nonuse of the range for more than one year will cause the permittee to lose all preference on account of prior use of the range.

Waiver of preference.

Where the renewal of a permit is allowed a purchaser of stock, a written waiver (Form 763) of all claims by the original permittee to a renewal of the permit for the stock sold should be filed with the Supervisor. This leaves the Supervisor free to renew the permit to the purchaser, if such action is justified, but no action should be taken by the Supervisor which in any way obligates the Forest Service to allow a renewal of the permit.

A person who has signed a waiver of grazing privileges can acquire them again only as a new applicant.

Foreclosure of mortgage.

If a mortgage on stock is foreclosed, the permittee does not lose his preference in a permit for the following season and unless he has returned his permit to the Supervisor and consented to the issuance of a permit to the mortgagor as a purchaser for the remainder of the grazing period, he may replace the stock. The person foreclosing the mortgage may be allowed, with the consent of the permittee, to continue grazing the stock during the remainder of the current grazing period under the same conditions as a purchaser, but secures no privileges of renewal unless the owner of the stock signs a waiver of his renewal preferences.

The foreclosure of a mortgage covering both stock and ranch will not cause a permittee to lose the preference allowed him in use of the range if he replaces the stock and secures another ranch equally dependent upon the range.

Indictment.

The fact that a person has been indicted for the violation of a State or Federal law does not justify the disapproval of his grazing application unless he is charged with trespass upon a National Forest. The Forest Service will not anticipate the decision of the court.

Nonownership.

An applicant who does not own the stock for which permit is desired and whose prior use of the range entitles him to consideration, may secure a grazing permit on his certification that the stock will be purchased.

Transfer to another Forest.

A grazing preference can be transferred from one Forest to another only when the first Forest is overstocked and the second Forest is understocked and the transfer will be generally beneficial. In this event a transfer may be allowed if both Supervisors approve.

NOTIFICATION OF APPLICANTS. (Reg. G–9.)

All persons who held permits during the previous year will be notified by postal card (Form 153) of the date upon which applications for grazing permits must be filed with the Supervisor.

Applications must be received, range allotments made, and permits issued before the beginning of the grazing season. This necessitates fixing a date sufficiently far in advance to enable the Supervisor to complete the work of issuing the permits. The date having been widely published, it will be assumed that the applications on file that day represent all the users of the Forest range entitled to consideration, and the Supervisor may proceed to allot the grazing privileges.

Action on applications.

The applications having been acted upon and the notices of approval forwarded, no changes will be made to accommodate persons who failed to file their applications in time, unless their failure was caused by circumstances which, in the Supervisor's opinion, warrant a readjustment of range allotments. Negligence or failure to exercise ordinary diligence will not be considered a satisfactory reason for the acceptance of an application after the date set.

In case the total number of any kind of stock applied for before the date which has been set does not equal the number authorized to graze on the Forest, applications may be approved at any time until this figure has been reached.

Supervisors should acknowledge the receipt of applications by postal card. (Form 303.)

Supervisors must not notify applicants of the approval of their applications before the date set for their consideration.

When a single range used by an applicant is located in two adjoining Forests, either Supervisor, with the consent of the other, may issue the permit with the understanding that stock is to be grazed upon both forests. Two copies will be sent to the other Supervisor.

Range in two Forests.

Persons who desire to graze the same class of stock upon the range during more than one established period may submit one application for the entire number of stock, showing the number which will be grazed during each period.

Applications for more than one period.

New applicants are classified upon the total number of stock owned by them, while permittees seeking a renewal are judged by the number of stock for which they held permit during the preceding year. New applicants, therefore, should state the total number of stock owned. Old permittees need state only the number of stock for which application for permit is made.

Statement of ownership.

When applications for permits are made to graze stock which it is intended to purchase, a statement to that effect will be made on the application blank.

When necessary an applicant may be required to furnish a certified statement showing the name, residence, and interest of any other person in the stock covered by his application. The District Forester may require firms or corporations to furnish a certified statement of the name and residence of all members or stockholders.

Grazing permits will not be issued to new firms or corporations when the members or stockholders of such firms or corporations hold permits to graze numbers of stock which combined exceed the maximum limit established for the Forest. The consolidation of permits will not be allowed when the combined number of stock is more than the maximum limit.

Partnerships or corporations.

If the Supervisor has reason to believe that a new applicant, or one seeking the renewal of a permit on account of purchase, already holds an interest in a company grazing stock under permit he may require this information, or may require it if there is a question of preference between two companies or corporations.

In case the applications have not reached the total number of stock authorized to graze upon the Forest, supplemental applications may be approved with the understanding that no permanent range equities accrue for the increase. This understanding should be made a matter of positive record so that it will not be overlooked in subsequent allotments.

Amendments.

When authorized by the Secretary of Agriculture, applications may be approved for permits during a term of not more than five years. The permits will be issued and the grazing fees paid annually on the number of stock for which the application is approved.

Applications for term permits.

Applications for term permits will be cancelled for failure to pay the grazing fees for any one year, or for failure to use the range for more than one year unless unusual circumstances exist.

PROTECTIVE AND MAXIMUM LIMITS. (Reg. G–11.)

Protective limits.

Protective limits are established to protect permittees from reductions in the number of stock which they are allowed to graze under permit, to a point where it is inadequate to maintain a home, or is too small to be handled at a profit. The average number of stock which a settler must graze in order to utilize the products of his farm or derive a reasonable profit will be determined upon each Forest and will serve as the basis for the protective limit. In arriving at this average number the dependence of settlers upon National Forest ranges will be considered. Where stock growing is the only pursuit in a region, the number of stock guaranteed a settler must be sufficient to support his family. In an agricultural region where the product of the farms is fed to stock, the number should be sufficient to consume the forage produced by the average farm.

Protective limits have been established for various Forests running from 25 to 300 head for cattle and horses, and from 500 to 2,000 head for sheep and goats. The limit on sheep is proportionately higher than on cattle because as a general rule the cost of handling is increased by requiring a man to run less than one band. With cattle or horses, which can be turned loose upon the range, a proportionately smaller number of animals can be run with profit. Under ordinary conditions the average number of stock per permit may be the basis for the protective limit of the Forest.

When in the judgment of the District Forester it becomes necessary for the protection of class A owners, he will establish a Forest protective limit for each kind of stock, and renewals of all permits within such limit will be made without reduction. A holder of a permit for one class of stock may secure a permit for another class, providing the number holds the same ratio to the protective limits. For example: A holder of a cattle permit for 50 head on a Forest where the protective limit is 100 head may also be allowed a permit to graze 600 sheep if the protective limit on sheep is 1,200 head.

Maximum limits.

When necessary to prevent monopoly in the use of the range through the purchase of permitted stock and ranches, the District Forester will establish a maximum limit in the number of stock allowed any one applicant. No permittee will be allowed to increase the number of stock above this limit. When necessary, reductions in permits for more than the maximum limit will be made in accordance with the sliding scale.

Maximum limits may be absolute or preventive. An absolute limit is the largest number of stock for which a permit will be issued, regardless of existing priorities. Where an absolute limit is established all permits in excess will be reduced to that limit immediately. Only in extreme cases where the use of a Forest range is intensive, and a large number of deserving applicants must be taken care of, will an absolute limit be established.

Preventive maximum limits are designed to bring about a better distribution of grazing privileges. Renewals of old permits in excess

of the maximum limit may be allowed, but the purchase of stock and ranches will not entitle the purchaser to a renewal of permit in excess of it. Exception to this rule may be made by the District Forester when an established outfit holding permit in excess of the maximum limit is sold to a single purchaser.

Ordinarily the maximum limit will be from four to eight times the protective limit. Upon a Forest where the average number per permit is high the maximum limit should be correspondingly high. A safe rule is to set a limit which is not less than double the protective limit and not more than the highest permit.

The maximum limit does not apply to permits issued on account of private lands or to permits issued under a cooperative agreement.

Increases and reductions.

Persons owning a less number of stock than the protective limit will be allowed to increase their number gradually but may be restricted in the number added each year. Old class A users may increase at once to the number allowed new applicants. Increases above the protective limit will be allowed only to purchasers of stock and ranches of permit holders, and any such increase will not exceed the maximum limit.

Increases may be allowed in the renewal of permits which are below the protective limit, but on fully stocked Forests the total increase allowed combined with the total number allotted new settlers must not be more than 3 per cent of the allotment except when a surplus in excess of this percentage is created by the reduction on permits renewed to purchasers. The Supervisor will determine the division of the allotment which will be made between new settlers and persons whose permits are below the protective limit.

Reductions.

Whenever it is found necessary to reduce the number of stock allowed in any Forest, class C stock will be excluded before the other classes are reduced. The reduction on a sliding-scale basis will then be made on the class B owners, and class A owners will be exempt from reduction.

Where the reductions are necessary, each National Forest will be considered as a unit. Under unusual conditions, however, reductions may be made in one grazing district or range division. Reductions will be based upon the number of stock grazed under permit the previous year.

Sliding scale.

The following is an example of the ordinary form of sliding scale:

The protective limit having been fixed at 1,200 head of sheep, all permits for not more than that number may be renewed without reduction.

All permits for less than 1,200 sheep may be increased 20 per cent, provided none goes above 1,200 head.

All permits for from 1,200 to 2,400 sheep will be reduced 10 per cent, provided none goes below 1,200 head.

All permits from 2,400 to 4,800 sheep will be reduced 15 per cent, provided none goes below the highest number allowed in the next lower grade, or 2,160.

All permits for more than 4,800 will be reduced 20 per cent, provided none goes below the highest number allowed in the next lower grade, or 4,080 head.

Another form of sliding scale reduction which may be adopted is as follows:

All permits may be renewed without reduction on the first 1,200 head of sheep.

An increase of 20 per cent may be allowed on all permits for less than 1,200 head.

All permits will be reduced 20 per cent on the number in excess of 1,200 and up to 2,400 head.

All permits will be reduced 25 per cent on the number in excess of 2,400 and up to 4,800 head.

All permits will be reduced 30 per cent on the number in excess of 4,800 head.

The percentage reduction may be changed under either plan to fit the local conditions.

When a sliding scale reduction figure has been worked out it may be applied in the following manner, varying the percentages to suit the situation. All applicants who do not own improved ranch property or who are nonresident ranch owners and winter their stock upon the open range will be reduced the full percentage of their class. Resident ranch owners who winter their stock upon the adjoining open range, regular users who purchase winter feed for their stock from resident ranch owners, and nonresident ranch owners whose stock is wintered upon the products of their lands will be reduced 75 per cent of the reduction figure. Owners residing upon their improved ranches and wintering their stock upon the products of their lands will be reduced 50 per cent of the reduction figure.

Increase in term permits.

Term applications for less than the protective limit may be amended to allow the same annual increase that is allowed annual applicants until the protective limit is reached.

Reductions in term permits.

All applications for grazing during a term of years, which are approved for more than the protective limit, will be granted subject to an annual reduction not exceeding 5 per cent to provide for the issuance of permits to new settlers within, or in the immediate vicinity of, the National Forest, and subject to any additional reduction which may be necessary to stop damage to the Forest.

While the percentage of reduction to provide for new settlers will not exceed 5 per cent, the reduction to stop damage to the Forest may be as large as necessary to secure the result. As term permits are not authorized until the number of stock grazed has been reduced to the normal capacity of the Forest, it is not probable that severe reductions will be required.

At the expiration of the term permit the 5 per cent clause to provide for new owners ceases to be binding on the Service, and the application is subject to any percentage of reduction before it is renewed that is effective on the Forest at the time.

PERMITS TO NEW OWNERS. (Reg. G–12.)

Filed six months in advance.

Applications from new settlers or beginners on Forests which are fully occupied will not be considered unless filed with the Supervisor at least six months before the beginning of the yearlong grazing season.

A reduction will be necessary to provide for them; therefore it is essential that other users of the Forest be notified of it as soon as possible in order that they can adjust their business to meet it without loss.

Limited to 3 per cent.

When the range is fully occupied, the total number of stock allowed beginners in any one year must not exceed 3 per cent of the total allowance for the Forest.

The applications of beginners will not be approved in any case where this would necessitate a reduction of more than 20 per cent in the renewal of any permit issued for the previous year.

Class B beginners.

The applications of beginners who are in class B may be approved for the number of stock allowed other beginners when there is surplus range, and the issuance of a permit will not entail a reduction upon occupants of the range or debar class A applicants.

Number allowed beginners.

Upon Forests which are not fully stocked or when there is surplus range, applications of beginners may be allowed for the full protective limit; when there is not, permits to beginners will be restricted to one-half the protective limit.

Average permit below protective limit.

When the average permit number is less than the protective limit, the applications of beginners should be approved for not more than one-fourth the protective limit, and only when the stock will be fed during the winter from the products of the permittee's cultivated land.

The only justification for permits of this sort is when settlers absolutely require grazing privileges in order to market the products of their ranches by feeding them to stock during the winter months.

No applications from beginners will be approved when the average permit number is more than 20 per cent below the protective limit.

Change of residence.

A permittee with an established preference may change his residence to a point more remote from the Forest without disqualifying for a renewal of permit, provided he retains his other interests.

Sale of ranch.

A permittee having a range preference based on ranch property located in or adjacent to the National Forest may dispose of such ranch property without entirely disqualifying himself for a renewal, but unless he secures similarly located ranch property his classification is changed, and the renewal of the permit should be on the basis of the changed classification.

Change in class of stock.

A renewal of permit may be allowed for a class of stock different from that previously grazed. It may require relinquishment of one range and acceptance of another on some other part of the Forest. The ratio of exchange will depend on the demand and the capacity of the ranges in question. A permittee grazing cattle upon a heavily stocked range in strong demand may be allowed to graze sheep on the same range on a ratio of 4 to 1. If they are to be grazed on a heavily stocked sheep range, the ratio should be 4 to 1. If on sheep range, but not heavily stocked, the ratio should be not more than 5 to 1. If on sheep range where there is surplus range available, the ratio may be as high as 6 to 1.

Partnership agreement.

A permittee having an established preference may enter into a partnership agreement with another person not a permittee, and secure a renewal of his permit in the name of the partnership, the proportionate interest transferred being subject to the rules governing the renewal of permits to purchasers.

Copartnerships and incorporated companies.

A copartnership has a different legal status from that of an incorporated company, and in the renewal of permits to purchasers it is necessary to differentiate between them. An individual permittee who enters into a copartnership agreement transfers only a part of his interests, consisting of his stock or ranches, or both, to the other members of the copartnership and retains an individual interest in all or a part of the stock and ranches. Any subsequent transfer of his remaining interests affects the status of the copartnership as a permittee and generally is readily determinable. An individual permittee who transfers to an incorporated company makes a complete transfer, retaining no interest in the stock or ranches, but receiving instead an interest in the corporation through the medium of certain shares or certificates which are readily transferrable, but which do not affect the status of the corporation as a permittee by their transfer. In renewal of permit to a copartnership only the proportionate interest transferred will be reduced in accordance with the rules governing the renewal of permits to purchasers, but in renewal of permit to a corporation the reduction will apply to the full number of stock

transferred, even though the original permittee acquires and retains an interest in the corporation equivalent to his original interest in the stock grazed under his individual permit.

Division of outfits.

In the renewal of a permit held by a partnership to the individual members, the same reductions will be made on the total number of stock grazed the previous year as would have been made on the original permit, each renewed permit bearing its pro rata share of such reduction. The stockholders of a corporation which has dissolved may be allowed a renewal of permit under the rules governing renewal of permits to purchasers.

No division will be allowed when the number covered by the original permit is less than the protective limit. In case the number exceeds the protective limit, a division may be allowed, provided that not more than one new owner secures a permit for less than the protective limit number of stock.

Dissolution of partnership.

Partnership ordinarily means joint ownership of the stock and ranches, and the renewal to each member depends upon the division of each that is made. Signed agreements showing this division may be required by the Supervisor.

A renewal on the division of stock and ranches may give a member preference in the range for a certain number of stock, but it does not define his status or whether he is in class A, B, or C.

Renewals to purchasers.

In order to prevent speculation, when a Forest is fully stocked, renewal of permit will not be allowed a purchaser of permitted stock if the original permittee has used the range less than three years. This rule will also apply when the permittee who proposes to sell is a member of a partnership.

If a permittee is bought out by several purchasers, division of the privileges among them will not be allowed when the number of stock is less than the protective limit. In case the number exceeds the protective limit, division may be made if not more than one new owner is allowed a renewal of permit for less than the protective limit.

All permits issued to purchasers of permitted stock are subject to any reductions that would have been made in the original permit.

When stock is sold after the application for a grazing permit has been approved and prior to the beginning of the grazing period, the application of the purchaser may be approved upon his merits, subject to the reductions governing the issue of permits to the purchasers of stock.

Purchase of stock only.

The mere purchase of stock will not entitle the purchaser to share in the grazing privileges during the following year unless he is otherwise qualified.

When the purchaser already owns ranch property commensurate with and so located that it will be used in connection with the stock, a renewal of the permit may be allowed for not to exceed 80 per cent of the original permit. When the number purchased is less than the protective limit, no reduction will be made if the purchaser has the qualifications of a class A applicant.

This reduction prevents speculation in National Forest range, and provides for new applicants.

Purchase of stock and ranches.

When both the stock and ranches are purchased, a renewal may be allowed the purchaser with any reduction that would have been made in the original permit.

If, after the transaction, the purchaser possesses all the qualifications of the original permittee he should be allowed the same privileges if the number of stock does not exceed the maximum limit. If he does not, the privilege should be reduced accordingly.

Purchase of ranches only.

When a permittee in a fully stocked Forest sells the ranch property used in connection with his permit to a purchaser who desires to secure a permit for other stock and sells his stock elsewhere, the purchaser of the ranch will be given a preference over other new owners or beginners, provided that the original permittee relinquishes his claim to renewal. In other words, the only preference secured by the purchase of a ranch without the stock is to head the list of new beginners.

The factors which govern this ruling are, first, the original applicant must sign a waiver (Form 763) of renewal privileges; second, the purchaser of the ranch property must possess all of the class A qualifications. (See instructions under "Preferences," p. 35.)

Procedure.

Applications will be numbered when they are approved. Disapproved applications will not be numbered, but filed alphabetically under separate guide cards.

Numbering of applications.

Cattle and horse permits and sheep and goat permits will be numbered separately. Mules, burros, and swine will be included with the cattle and horse series. The cattle and horse series will begin each season with No. 1 and the sheep and goats with an arbitrary number, as 301, or 501, which will be above the highest number in the cattle and horse series. Where term permits are authorized, the cattle and horse term permits will be numbered consecutively, beginning with No. 1, and the annual permits numbered separately, beginning with a considerably higher number than any term permit. The sheep and goat series will be numbered similarly, the first number of the term permits being 301 or 501, as the case may be, and of the annual permits being 601 or 801, as the case may be.

Amended applications received before the issue of the permit will be given the same number as the original. One received afterwards will be given the same number as the original with the addition of the letters *a*, *b*, etc. An amended permit will be recorded on the original card, but supplemental permit requires a new card. If a term permittee desires an increase, which can properly be granted, a new application should be made and the increase provided for by an annual permit.

If, however, the term permittee desires to decrease the number of stock, a new term permit may be issued.

Method of approval.

The Supervisor will immediately notify the applicant of the approval of his application by a letter of transmittal (Form 861–G) showing the number of stock for which the application has been approved, the period and the fees to be paid. Any unusual conditions may be noted on the form. Whenever an amendment or a correction is made, or a supplemental application is approved, the notice will be marked "Amended," "Corrected," or "Supplemental," etc. A duplicate of each Form 861–G issued will be sent to the District Forester at once and a triplicate filed in the Supervisor's office.

Form 861–G for term permits will designate the year for which payment is to be made, thus: "Five-year period, first year."

District office.

As duplicate notices of approval are received in the District office they will be examined, and filed alphabetically under Forest guides.

The District Forester will require such check to be made of grazing receipts as is necessary for a proper audit.

Method of disapproval.

When a grazing application is disapproved, the Supervisor will notify the applicant by letter, giving the reasons for his action and will send a copy of the letter to the District Forester. The letter must furnish the applicant with adequate and conclusive reasons for the disapproval of his application, while the carbon furnishes the District Forester with the same information. It must assure both the applicant and the District Forester that the application has received proper consideration.

Method of cancellation.

Upon receipt of notice that the applicant does not intend to pay the fees or accept the permit, or if for any reason the permit is not issued afterwards, the Supervisor will close the case and mark the card "Canceled." The same serial number will not be used in any other case. Where necessary, the applicant will be informed at once of the action taken and the reasons for it, and a copy of the letter will be forwarded to the District Forester.

Card record.

A record card for each approved annual application will be made on Form 621. Term permits will be recorded on Form 256 and the card transferred to the current files at the end of the grazing year. Cards will be filed alphabetically. The date of the Fiscal Agent's receipt, the amount of fee paid, and the date the permit is issued will be entered upon the card. When a refund is made the date of the voucher and the amount refunded will be noted upon the card. The back of the card may be used for a record of special matters.

Delinquents.

When necessary, the Supervisor will notify all persons who have not paid the fees that their payments are overdue. Thirty days after the beginning of the grazing period the Supervisor will take such action as is justified in the case of each delinquent.

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SETTLEMENT OF CONTROVERSIES. (Reg. G-14.)

An appeal to the District Forester should be prepared in accordance with the instructions governing the preparation of appeals. (See "Appeals," p. 51). It should be filed in duplicate with the Supervisor, who will at once transmit one copy to the other party, with notice that 10 days from its receipt are allowed for answer. The answer should be in duplicate and should contain the statement of material facts required by the procedure under "Appeals," page 51. One copy will be transmitted to the original appellant, who will be allowed 10 days to make his final reply. All statements of appellants will be in writing and verified by oath, and may be accompanied by affidavits of witnesses. The originals of these papers will then be forwarded to the District Forester, and no other evidence will be taken unless called for by him. A copy of the Supervisor's decision in the case will, of course, accompany the appeal papers. Pending decision the party occupying the range will be allowed to continue its use, but must remove his stock within 10 days after receiving notice that the District Forester has decided against him, unless an appeal be taken to the Forester or the Secretary of Agriculture. In case of such an appeal the person in possession of the range will be allowed to continue its use until a final decision has been rendered.

In case the appeal involves the use of a range where an advisory board has been recognized, copies of the appeal and answers may be referred to the advisory board with a request for a written opinion.

APPEALS. (Reg. G–15.)

Supervisor's decision. Reconsideration.

Upon receipt of request for a reconsideration of a case, the Supervisor will furnish the applicant with a copy of the grazing regulations and of the instructions upon which he based his decision, upon receipt of which the applicant will prepare his formal statement in writing, verify it by oath, and accompany it by affidavits of available witnesses. This statement when submitted to the Supervisor will cover:

Actual and legal residence of applicant.

Period of residence.

Description and location of legal subdivisions of ranch property owned by applicant.

Character of ranch property owned by applicant.

(*a*) Improved farm land producing cultivated crops.

(*b*) Amount of summer pasture or range.

(*c*) Amount of winter pasture or range.

(*d*) Amount of land controlling water supply.

(*e*) Amount of forage produced annually.

Period of ownership.

Description of ranges upon which the stock was actually grazed during each of the years previously mentioned.

Number of years applicant has held a permit to graze stock on National Forest range.

Number of each class of stock grazed under permit during preceding year.

Number of each class of stock fed during each winter.

Quantity of forage fed during each winter.

Statement of reasons for reconsideration, citing the regulations and special instructions contrary to the Supervisor's decision.

List of witnesses who can substantiate the preceding statements.

List of affidavits submitted in corroboration of statements.

And such other material facts as may have a bearing upon the case at issue.

When all the evidence in the case has been filed by the applicant with the Supervisor, he will examine the record carefully, and if evidence upon material points is lacking he will notify the applicant of the omission and advise him that he will be given 10 days additional in which to submit the missing evidence. Within 10 days from the date of the filing of the completed record the Supervisor will prepare a formal decision, discussing each point of the applicant's statement, and stating clearly the regulations and reasons upon which his decision is based. This will be forwarded by registered mail to the applicant.

Should the decision be adverse, the applicant may file written notice with the Supervisor within 10 days from the receipt of the registered decision, requesting a further consideration of material new evidence. The applicant will be advised by registered letter of the

action taken upon his request, and if it is granted, will submit the additional evidence within the time set by the Supervisor. If the request is allowed, the Supervisor will prepare a final decision, which will be transmitted to the appellant in a registered letter. If the request is refused, or if the Supervisor's final decision is adverse, the applicant may appeal to the District Forester by filing written notice with the Forest Supervisor within 10 days from the receipt of the registered notification. In an appeal before the District Forester, the appellant and the Forest Supervisor may each file an argument or brief reviewing the previous decisions and the evidence in the case. New evidence will not be admitted unless the applicant's request for the consideration of new evidence had been rejected by the Supervisor, in which event the new evidence may be submitted to the District Forester, and if material, will be considered by him.

Appeals to the District Forester.

When an appeal is taken to the District Forester the Supervisor will forward the complete record in the case to him for his consideration. When this is received the District Forester will review it and prepare a decision, which will then be sent by registered mail to the appellant, and a copy transmitted to the Supervisor.

The Supervisor's decision will not be reversed unless it is shown to be unwarranted by the facts, the regulations, instructions, or the law. When there is a variation in the statements of the Supervisor and the appellant, but the preponderance of the evidence shows the Supervisor to be justified in his action, he will be sustained.

Within 10 days from the receipt of the District Forester's decision, an appeal to the Forester may be filed with the District Forester.

Appeals to the Forester.

Where a case is appealed to the Forester the appellant may file one additional statement, reviewing the previous decisions and presenting the argument. The District Forester will also file a statement. These two briefs, together with all papers in the case, will be presented to the Forester, and upon them his decision will be rendered.

Appeals may also be taken to the Secretary of Agriculture from adverse decisions of the Forester. Any party availing himself of this privilege must, within 30 days from the time he receives notice of the Forester's decision, file with the Forester his petition for review by the Secretary of Agriculture. Upon receipt of the petition the Forester will submit all the papers to the Secretary.

A field investigation of an appeal case may be ordered by the District Forester, the Forester, or the Secretary of Agriculture. The field examiner will submit a report which will be considered at the time the decision is rendered.

Examination of records.

Copies of answers or reports will be furnished the appellant in the discretion of the deciding officer. The appellant or his authorized agent may inspect the record of the case in the office of the Supervisor, District Forester, Forester, or Secretary of Agriculture, but will not be allowed to remove any papers. Statements of witnesses which have been submitted can not be regarded as confidential if they are considered as testimony. The appellant should be given full knowledge of the material facts contained in such statements, and of the identity of the witnesses. Statements submitted in confidence and which must be treated as confidential can not be used as the basis for a decision.

Complaints.

Upon receipt of a complaint in the District office, the District Forester will determine whether the information in the files indicates that the Supervisor's action should be upheld. If so, the complainant will be informed in writing that the Supervisor's handling of the case was correct. If not, the information will be secured, by field investigation if necessary, and the Supervisor given instructions. Unless clearly in conflict with instructions and only where prompt action is necessary to prevent hardship, the Supervisor's action will not be reversed on the basis of the record in the files when the complaint is received.

BONDS. (Reg. G–16.)

The Supervisor may require the owners of stock to give bond to insure payment for damage caused by violation of the terms of the permit. The amount of the bond will be determined by the Supervisor.

Ordinarily it will be for not less than twice or more than four times the amount of the grazing fee, or an amount which represents approximately the actual value of the forage.

A bond may be required of a former trespasser preliminary to the issuance of a permit, or of a permittee who has, during two successive seasons, disregarded the regulations, or whose employees are inclined to violate the regulations or disregard the orders of the Forest officers.

The Supervisor will prepare the bond on Form 377, stating the number and kind of stock, describing the range, and stipulating that the stock will graze only on the area described. After approval by the District assistant to the Solicitor, he will send it to the applicant with the notice of approval of his application for execution. Upon its return the Supervisor will approve it if he is satisfied with the sureties. The permit will not be issued until the bond is approved.

All bonds required in connection with grazing permits will be filed in the Supervisor's office.

PERMITS NOT TRANSFERABLE. (Reg. G–17.)

New permits to purchasers.

In case a permittee sells stock under permit and the purchaser wishes to continue to graze it on the National Forest, upon presentation to the Supervisor of evidence that the sale is bona fide the original permit will be canceled and a new permit issued to the purchaser without charge for the remainder of the season. Such a permit will be given a new number in the regular serial order. If only a portion of the stock is sold, an amended permit for the number of stock retained will be issued to the original permittee and given the same number. No transfer of fees on the record is necessary in such cases. (For conditions governing the renewal of such permits the following season, see "Renewals of permits," p. 48.)

Cross reference.

Cross-reference entries will be made on the record cards in cases of purchase.

ON AND OFF PERMITS. (Reg. G–18.)

In the approval of applications from the owners of cattle and horses which graze on and off the National Forest an estimate will be made of the average number which will be grazed upon the Forest, and the fee will be paid upon this number.

On and off permits for sheep or goats may be issued for portions of the range along the Forest boundary not sufficient in area to support a band of sheep or goats during an entire established grazing period, which can only be utilized in connection with the adjoining outside range. Where portions of the outside range can only be used to advantage in connection with watering places located within the National Forests, on and off sheep or goat permits may be issued.

On and off private lands.

Sometimes the ownership of private land within a National Forest is unknown, or the owner does not object to its use without compensation or lease. In such cases permits may be issued for the adjoining range under the provisions of this Regulation and the grazing fees paid only on the stock which will be grazed upon National Forest land, but the permittee must agree to remove all stock in excess of the number covered by the grazing permit if deprived of the use of the private lands by the owners or lessees thereof.

In issuing this class of permit the grazing fees will be based on the grazing capacity of that portion of the range which is National Forest land.

The permit will be issued and the fees paid only for the number of animals which it is estimated will use Forest range during the season, but it will mention in a proviso the full number of animals which will be grazed both on and off the Forest. Only the number of animals upon which the fees are charged will be counted against the number authorized by the Secretary of Agriculture.

PRIVATE LANDS. (Reg. G–19.)

Permits to cross a National Forest with stock which will be kept upon private lands, the owners or lessees of which do not desire to waive the right to its exclusive use, will be issued under the provisions of Reg. G–20.

The privilege of grazing sheep and goats upon National Forest lands, under this Regulation, will be allowed only upon such ranges as are open to this kind of stock.

The waiver of exclusive use of unfenced private land is not necessary where more than one-half of the land comprising the range is controlled by the applicant except when the interests of the Government demand it.

Determination of status.

Before issuing permits under this Regulation the Supervisor must determine that the title of the land has passed from the United States and that the applicant has the right to its use.

Allowances for private lands.

The following rules will govern grazing allowances on account of private land within the exterior limits of National Forests when it is desired to allow the use of National Forest lands upon a waiver by the owner of the private land to exclusive use thereof in favor of Forest Service permittees:

Unperfected entries.

Bona fide settlers who have made homestead entry, but have not yet made final proof, may be allowed free permits for grazing upon National Forest lands the number of animals their lands will support.

Persons who have filed upon land within the National Forests under laws not requiring residence may be allowed free permits for grazing upon National Forests the number of stock their lands will support, after they have made final payment for the land.

Indian allotments.

Owners or lessees of Indian allotments may be allowed permits for grazing upon National Forests the number of animals the land will support, provided that patent has issued or a lease has been executed upon the blanks of the Indian Office and approved by the Commissioner of Indian Affairs.

Mining claims.

Persons holding unpatented mining claims within a National Forest have the right to the grass or other forage upon such claim needed for stock used in connection with the development of the claims, but they have no right to dispose of the forage to any other person or to collect rental for the use of the claims for grazing purposes. Such unperfected mining claims therefore can not be accepted as the basis for a permit under this Regulation.

Persons holding permits for range within which mining claims occur should be warned not to allow their stock to graze upon them without the consent of the claimant.

Squatters' claims.

Bona fide squatters upon unsurveyed lands may be allowed permits for grazing the number of animals their claims will support, provided no claim exceeds 160 acres. No conflicting claims will be recognized until the matter has been determined by the Department of the Interior.

State selections.

Persons who have applied to purchase or who have leased any lands covered by State selections will not be allowed free grazing privileges on account of these lands until the lists have been approved by the Commissioner of the General Land Office.

Railroad land.

Persons who have applied to purchase or who have leased railroad land within the indemnity limits will be allowed free grazing privileges on account of such land after survey and selection by the railroad company and approval by the Secretary of the Interior.

The use of unsurveyed, unselected lands within the indemnity limits of railroad grants will be allowed in accordance with the grazing regulations under regular paid permits.

Determination of range capacity.

In every possible instance the grazing capacity of the lands offered as the basis of the free permit should be determined by field examination and reported upon Form 251.

Procedure.

When an application for a permit in exchange for the use of private lands is received, card record (Form 403) will be made showing the name and address of the applicant, the acreage of the land owned or leased, the number of each kind of stock to be grazed, the location of the range to be occupied, and the grazing period. The cards will be filed alphabetically behind the record cards for the regular paid permits.

The application (Form 925), report on the grazing capacity of the land (Form 251), and the duplicate copy of the permit (Form 256) will be placed in a folder and designated according to instructions. The permit will be written in triplicate, the original sent the applicant, the duplicate filed, and the triplicate sent to the ranger in charge of the district.

CROSSING PERMITS. (Reg. G–20.)

Crossing permits may be granted for crossing stock over National Forest lands to points beyond the National Forest; for crossing stock to private lands within a National Forest, or for crossing stock to reach dipping vats or railroad shipping points.

Applications. Applications for crossing permits may be made either in person or by letter, and the permits issued to either the owner or person in charge of the stock.

Permits. Crossing permits will be issued in triplicate (Form 874–17), one copy delivered to the applicant, one copy retained by the issuing officer, and one copy sent the Supervisor.

When denied. Crossing permits will not be issued prior to the opening of the grazing season for the class of stock concerned, except upon an established driveway. They will not be issued for stock which is so poor that it will not be able to cross the Forest, and they will not be issued for stock to be driven to private land within the Forest if the land is unfenced and the number of stock is greater than it will support without trespass upon adjoining Forest lands. Of course, it is not reasonable to refuse a crossing permit for this reason before the grazing capacity of the land has been determined.

Interforest permits. When stock is to be driven across more than one Forest, it should not be allowed to enter the first Forest until crossing permits have been obtained for the others.

However, where customary routes of travel or stock driveways cross two or more adjoining Forests, interforest crossing permits may be issued under an agreement between the Supervisors. The permit will be issued on the Forest which the stock first enter, and will grant the privilege of crossing all of the Forest land traversed by the driveway. Copies of interforest crossing permits will be forwarded to all Supervisors concerned.

Period effective. The dates between which the permit may be used should include a period sufficient to provide against unavoidable delay. To illustrate, where the time required to cross a Forest is 4 days, the permit may be made effective for 15 days, with a proviso that not more than 4 days will be used in crossing.

Supervision. If occasion demands, rangers will accompany the stock and see that there is no delay or trespassing.

Paid permits. No charge will be made for crossing permits issued under this regulation. When a permit is desired for crossing the Forest with stock at regular intervals during an entire grazing season, or under other conditions which warrant the charging of a grazing fee, the grazing permit will be issued under Regulation G–5 and included in the regular numbered series.

If the Forest includes a shipping point or if it must be crossed to reach one by nonpermittees trailing stock and limited grazing is necessary to prevent shrinkage, the Forester may authorize a grazing

period of 10, 20, or 30 days, as the case may be, at a specified charge per band of sheep or cattle for the period established. The charge in such cases will be based upon the entire period and no allowance will be made if the range is used for a shorter time.

Quarantine regulations.

It is absolutely essential that persons crossing stock comply with the regulations governing the National Forests and with the quarantine regulations prescribed by the Secretary of Agriculture and the State authorities. Unless they do so the privilege may be denied them, but the condition of stock as to contagious or infectious diseases will be determined by the proper Federal or State authorities. Compliance being assured, and if the privilege will not expose the National Forest to damage or the regular permittees using it to inconvenience or financial loss, the permit should be issued without delay and with the fewest possible restrictions.

Crossing to private lands.

Before issuing a permit to reach private land, the Forest officer may require a written statement of ownership of the land or a copy of the lease thereof.

If the land is uninclosed and the applicant does not desire to waive the right to its exclusive use, the stock must be so handled that the animals will not intrude upon adjoining Forest areas. In order to protect the Forest from trespass or injury, an application for crossing with more stock than the land will support may be denied.

When the private land is securely fenced, the permit may be allowed for any number of stock the applicant desires to graze upon his land.

Crossing to dipping vats or shipping points.

It is inadvisable to allow unpermitted sheep to cross National Forest lands to be dipped at a vat within the Forest, unless there is no available dipping vat outside of the limits of the Forest, but the Forest Service will not prevent compliance with the Federal or State quarantine requirements by refusing access to a dipping vat so located. The Supervisor will determine for each vat on his Forest whether the circumstances warrant the granting of this privilege, and the restrictions which should govern it and will instruct the rangers accordingly.

If a shipping point within a National Forest is the only one reasonably accessible to persons grazing stock outside, the Supervisor may allow crossing privileges under such restrictions as are necessary to protect the interests of regular permittees.

Crossing to permitted ranges.

The regular grazing permit carries with it the right to drive the stock over National Forest lands to and from the allotted ranges at the beginning and end of the grazing season, and from the range to the most accessible shearing, dipping, and shipping points during the term of the permit. Supervisors should require permittees to secure additional crossing permits only when it is clearly evident that the unrestricted privilege is detrimental to the Forest or to other permittees.

ADVISORY BOARDS. (Reg. G–21.)

The primary purpose of all the regulations is to make the National Forests as useful as possible to the people, consistent with their protection and perpetuation. It is evident that a committee selected by an organized body of representative users is capable of giving extremely valuable advice upon the handling of the interests represented. It is clearly impossible to meet the wishes of each individual user, but it may be entirely possible to meet the wishes of the majority made known through an organization. It is to secure from the people collectively definite statements of their needs and wishes that the organization of stock associations is encouraged.

How formed.

Live-stock associations desiring to take advantage of this regulation must file an application with the Supervisor, giving the names of all members, the name of the Forest in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board must consist of not more than five members, who must be users of the National Forest, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws and a statement that the action of the board will be binding upon the association. These by-laws must provide that all persons who are permitted to graze the kind of stock represented by the association will be eligible to membership.

Procedure.

After having examined the application the Supervisor will forward it to the District Forester accompanied by a copy of the constitution and by-laws. He will state whether or not the membership comprises a majority of the permittees for the particular class or classes of stock within the Forest or grazing district for which recognition is requested, and make a recommendation for or against its approval. Upon approval by the District Forester, the association will be notified and entitled to the recognition under this regulation. The letter of notification will be sent the secretary of the association and copies sent the Forester and Supervisor, on receipt of which the Supervisor will arrange for cooperation with the association. Applications for recognition of advisory boards not submitted through the Supervisor will be referred to him for recommendation.

Card record.

A card record of recognized stock associations will be kept. The title of the association, names and addresses of its officers and the members of the advisory board, and the grazing district or Forest for which recognition is granted will be entered on a card which will be filed by Forests. A copy of each card will be sent the Forester, who will be kept informed of changes.

Supervisors should inform the District Forester of any change in the personnel of advisory boards or amendments in the constitution or by-laws adopted by recognized stock associations.

If the application is disapproved by the District Forester, the secretary of the association will be informed and specific reasons given. On receipt of a copy of such a letter, the Supervisor may take the matter up with the local representatives, show them what is necessary to correct their application or enlarge their organization to secure recognition. Disapproval for noncompliance with this regulation need not preclude reapplication and subsequent approval. An appeal from the District Forester's refusal to recognize a stock association may be made to the Forester.

Disapproved applications.

While the Forest Service must control the grazing on the Forests and retain the administrative authority, it must be remembered that an advisory board is in a position to express accurately the wants of stockmen composing the association.

Action on recommendations.

It is the responsibility of the Forest officer to determine in each instance whether the wants of the people are compatible with the good of the Forest. When they are not, the latter will govern.

When it is necessary to disapprove the recommendations of an advisory board the Supervisor will furnish them a clear statement of his reasons for such disapproval.

The advisory board may, if the Supervisor's action and reasons are unsatisfactory, appeal to the District Forester and from his decision to the Forester, and from the Forester's decision to the Secretary of Agriculture.

Appeals by advisory boards.

State associations may appoint advisory boards for any Forest in the State in which their membership includes a majority of the users. A single advisory board representing a State association may be consulted by the District Forester on questions which concern the entire State.

State associations.

If, after setting any date of meeting with an advisory board giving ample time for all members to attend either in person or by proxy, a majority of the board is not present, the Supervisor or District Forester will be relieved from all obligation to delay action or confer with the board.

Meetings.

National live-stock associations representing the owners of any kind of stock using the National Forests, may appoint an advisory board, which will be recognized by the Secretary of Agriculture and consulted with annually at such time and place as may be agreed upon in reference to matters affecting the use of all of the National Forests.

National associations.

Complaint against the Supervisor's action by members of the association should be taken up through the advisory board unless the permittee desires to take up the matter direct as an individual.

Complaints of members.

Where there is more than one advisory board on a Forest, care should be taken to see that the members understand clearly the boundaries of the area over which their jurisdiction extends, whether it be a Forest, a grazing district, or a few divisions. In handling important range questions which it is necessary to refer to an advisory board complications may be avoided by having this thoroughly understood beforehand.

Area covered.

Matters submitted to advisory boards should be of general rather than individual or personal interest. An individual case, however,

may contain a principle in which a large number of permittees are interested, in which event it may very properly be taken up.

Attendance at meetings.

The Supervisor of the Forest concerned or one delegate selected by him, upon receipt of an authorized request, may attend, without receiving specific authority from the Secretary of Agriculture, any meeting of the stockmen using the Forest or of an association of which they are members, at which his presence will tend to facilitate the administration of the Forest or will be of mutual benefit to the Forest Service and the users of the National Forest.

COUNTING STOCK. (Reg. G-22.)

Counting corrals should be constructed at convenient points to facilitate compliance with this Regulation and an actual count will be made wherever possible, without serious interference with the proper handling of the stock. Slight discrepancies may be permitted from the number covered by permit when an exact count is impossible. When it is, a very slight excess in a large permit may be overlooked or a supplemental application for the excess required. When the excess is so great as to warrant the assumption than an attempt is being made to avoid payment of fees, the excess number may be denied entrance to the Forest. A report on stock counted (Form 874–18) will be sent to the Supervisor as soon as practicable.

Where the local Forest officers are in possession of reliable information that the number of stock being brought in by a permittee is not in excess of his permit number, counting may be dispensed with, especially if it involves a material expense to the Service.

Counting sheep.

Sheep can be easily counted where there is a corral or where a wing can be readily constructed, and therefore should be counted each season as they enter the Forest or shortly afterwards.

Ordinarily an excess of 10 head per thousand may be ignored. If the range is heavily stocked any greater excess should be removed from the herd before it is allowed to enter. If the range is not heavily stocked, the excess number may be allowed to remain in the herd if the owner will immediately apply for a supplemental permit for the whole excess.

Counting cattle and horses.

Where cattle or horses are driven to Forest ranges from the feed lots or winter ranges, a count may be made at points of entry designated by the Forest officers. In many instances, however, the stock is either running loose or turned loose in the spring and naturally drifts onto the National Forest ranges. Where yearlong ranges are included the stock may never leave the Forest and seldom be rounded up.

In such cases the number of cattle or horses being grazed upon a National Forest range may be approximately determined in several ways. Stock may be counted in the feed lots where winter feeding is the rule, a count may be secured in a round-up, or close estimates may be made on the basis of range counts, branding tallies, or sales.

Feed lot counts.

Counting in the feed lots can be done at a time when it will interfere little with a ranger's duties. The results are fairly accurate. If the number for which application is submitted is less than the number in the possession of the applicant at the time the count was made he may be required on entering the Forest to show what disposition has been made of the balance. An applicant who refuses to allow his stock to be counted in a feed lot may be required to arrange for a count before entering the Forest or to round-up at any time thereafter if the Supervisor has reason to believe that the number being grazed is in excess of the permitted number.

Round-ups.

A count of a permittee's cattle on the range is a difficult and expensive matter. Where the cattle are wild and used to being rounded up only at stated periods, this action must be done with all possible regard for the stockmen as well as the Forest. An unusual round-up costs money, causes a loss in the value of the stock, drifting from their ranges, and unnecessary damage to the range. Consequently such round-up counts should be avoided unless absolutely necessary and wherever possible the number ascertained by other methods.

Regular beef, calf, or stock round-ups inaugurated by the stockmen themselves should in no way be under the control of the Forest Service. Every Forest officer should avoid arbitrary action in business matters of this kind, except when it is necessary in order to protect the interests of the Forest. Unless the force of Forest officers is sufficient to be with each party of riders all day or unless they have the full cooperation of the stockmen an accurate count of each permittee's stock can not be expected, but luckily the latter is often the case.

Forest officers detailed to accompany a round-up will give first attention to their work which is to determine the numbers of permitted stock. They should, however, help the stockmen where they can and avoid an unnecessary disregard of the authority of the person in charge of the work.

Calf tally.

Under ordinary conditions of stock raising, four times the number of calves branded in an average year will approximate the total number of stock the owner has, from yearlings up. To illustrate, if a man brands 100 calves in a normal season it is probable that he has about 400 head of cattle, counting yearlings and beef on the range. The calf tally multiplied by 5 will give the approximate number of stock the owner will have on the range in the following year less the number of head sold or lost.

Sales records.

The record of stock sold and slaughtered, which usually may be obtained from the State Sanitary Board and checked up by railroad records when the stock is shipped from railroad points, will furnish a close approximation of the number of stock a permittee is grazing provided he is not selling steers raised by other users of the range.

Range estimates.

An estimate based upon the stock found upon a certain range is of little value unless it is made by two or more men simultaneously to make sure the same animals were not counted twice. A single ranger should not attempt a range count that will extend over more than one day unless he is certain that stock seen the first day will not stray upon the area to be worked the second.

Some animals are bound to be overlooked in a range count, therefore the estimate should be based upon the assumed ratio of the cattle seen and counted to the cattle on the range. This percentage will rarely be more than two-thirds, and may be half. If the count is based on the work of several men, it is possible to apply as a check the percentage of the calf crop that was overlooked on the round-up and subsequently range branded, but this of course is a suggestion only.

The owners of stock which is kept under herd upon the National Forests will be furnished with cards (Form 976) for the identification of their herders by Forest officers.

DAMAGE BY STOCK. (Reg. G–23.)

Stockmen may and should be required to repair all damage caused by the presence of their stock upon the Forest, but should not be called upon to make the repairs of damage not caused by their stock. It is entirely reasonable to require a permittee to clear a road or trail which has been filled with rocks by the passage of his stock, but it is not reasonable to ask him to repair roads or trails that were in poor condition before his stock entered the Forest. It is also reasonable to require the fencing and troughing of a spring or seep which has been damaged by the stock of a permittee. Otherwise the Service should undertake the improvement with the cooperation of the interested permittees if they can be persuaded to assist.

BEDDING SHEEP AND GOATS. (Reg. G–24.)

Bed grounds.

The prolonged use of one bed ground by a band of sheep is destructive to the range because the amount of forage tramped by a close herded band of sheep is fully as great as the amount actually fed. Then, too, the sheep leave the bed ground hungry and eat a large number of plants in the vicinity of the bed ground that ordinarily would escape destruction. Reestablishment of the forage thus destroyed is difficult if not impossible. To reduce the damage to a minimum the bed ground should be changed every six days at least. Lambing ewes can not be moved every six days, and the interests of the range must in this instance be sacrificed in a measure to the needs of the sheep. Where no such exigency exists, and where the Government is not compensated for the damage (by the lambing charge), sheep must not be allowed to occupy one bed ground for more than six days.

The bedding of sheep within 300 yards of a stream or spring that is a source of water supply for a community or town must not be allowed under any circumstances.

DISPOSITION OF CARCASSES. (Reg. G–25.)

To prevent the pollution of water supply and the spread of disease among human beings, as well as live stock, this rule will be strictly enforced. The carcasses of animals dying from blackleg, anthrax, glanders, and other bacterial diseases scatter germs on the range when they decompose, and a healthy animal may contract the disease. Therefore range losses will be materially reduced if all carcasses are burned.

SALTING STOCK. (Reg. G-26.)

Sheep will consume about a pound and a half of salt during a summer season. Deprived of salt they are harder to herd and more destructive to the range.

Cattle and horses will use approximately 2 pounds of salt per head per month from the time the green feed begins until midsummer and 1 pound per head per month during the remainder of the year. This quantity is in excess of that fed on most ranges, but experience has demonstrated that a liberal use of salt is a profitable investment. A lack of salt causes cattle to collect around old salt grounds and tramp out considerable range.

Salting is required as a means of Forest protection, and the regulation should be enforced to as great an extent as the interests of the Forest demand. Otherwise it should be enforced only upon the request of a majority of the permittees or when the State laws require the salting of stock.

Ordinarily a person who refuses, upon request, to salt his stock will be subject to a reduction in permit number during the following year. If his disregard is continued, and results in damage to the range, he may be denied further privileges. Obviously, where natural licks occur salting will be unnecessary.

Salt and water are two important factors in distributing cattle and horses on the range. Stock will alternate between salt and water if the two are widely separated, and will consume as much range around a salt ground as around a water hole. For this reason the best results are secured by placing the salt on rocky points at some distance away from the water. The salt licks or troughs should be placed on ground of no value for other purposes.

QUARANTINE AND LOCAL LAWS. (Reg. G–27.)

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that effect has been given the Forester or District Forester by the Bureau of Animal Industry, the owners of all stock to be grazed in National Forests must, if required to do so, subject the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be canceled and the stock removed from the National Forests.

The owners of all stock grazed under permit must comply with the live-stock laws of the State or Territory or their permits will be canceled. Rangers will report at once any violation of the live-stock laws and will assist the stock owners to protect their property against loss by theft.

Upon receipt from the Forester of a statement of quarantine or inspection work to be conducted by the Bureau of Animal Industry during the grazing season the District Forester will communicate with the Bureau of Animal Industry District Inspectors, requesting information regarding the quarantine or inspection regulations to be in force during the season, and the Forests to which they will apply.

When this information is received the Supervisors concerned will be informed of the same and address of the district inspector in charge and will be instructed regarding the regulations to be in force and to cooperate with the officers of the Bureau of Animal Industry, rendering them the necessary assistance and furnishing them with a list of the permittees, the dates upon which the stock will enter the Forest, and all other information required.

The same routine will be followed in regard to State quarantine regulations, unless they conflict with the regulations of the Bureau of Animal Industry.

The enforcement of Federal or State quarantine regulations will not be undertaken by the Forest Service except in cooperation with the Bureau of Animal Industry or State official in charge, and Supervisors will in all cases be furnished with definite instructions for their guidance.

Upon receipt of requests for the enforcement of State or Federal quarantine regulations which conflict with Forest interests, or of requests from a State official which conflict with the regulations of the Bureau of Animal Industry, the District Forester will endeavor to secure a modification. If this can not be secured, the matter will be submitted to the Forester for decision before final instructions are issued to Supervisors.

Rangers should, when necessary, inform all persons of the local stock laws and endeavor to prevent their violation. If actual violation of

the law is discovered by the ranger, he will at once notify the proper State officer, if practicable, and report this action to the Supervisor. If unable to communicate with the State officer, or if no action follows, he will give the facts to the Supervisor, who will transmit them to the proper State authority. All officers of the Forest Service will assist the proper State or Territorial officials in the enforcement of all quarantine and live-stock laws.

The scope of the regulations of the Secretary of Agriculture is limited to the protection, occupancy, and use of the National Forests. It is realized that certain restrictions in the use of the range, other than those prescribed for the protection, occupancy, or use of the National Forests, might improve range conditions and protect the majority of the stock growers from losses by theft and the negligence of the minority, but these matters are outside of the authority conferred by the act of June 4, 1897. If they are covered by State or Territorial laws they may be remedied by the enforcement of such laws. If they are not, the Forest Service can take action, only when Forest interests are threatened.

Whenever it is found that the stock interests are suffering on account of the ravages of wolves, cougars, coyotes, bobcats, or other predatory animals, a report should be made to the District Forester, with recommendations for such action as is necessary to reduce their numbers.

Forest rangers and guards may be assigned to the work of hunting predatory animals for a limited time each year and will be furnished with necessary ammunition, poisons, and traps. If none are sufficiently experienced or can be spared for the work, professional hunters may be recommended by the Supervisor for appointment as guards for such period as their services are required. The Supervisor will check the progress and effect of each hunter's work by inspection and such periodic reports on Form 343 as he may require, and will initiate such action as is necessary for their transfer, furlough, or separation. The final results of the hunters' work will be reported to the District Forester in the annual statistical report (July 15).

Recommendations for the appointment of guards or rangers to serve as hunters will be referred to Grazing which will signify approval of such appointments by a memorandum to Operation.

PROTECTION OF GAME, FISH, AND BIRDS. (Reg. G-28.)

Value of game in a Forest.

Wild game adds materially to the enjoyment of the National Forests by the public. It is as clearly the duty of the Forest Service to do all in its power to protect game as it is to protect the National Forests.

Cooperation with State authorities.

While the authority for making laws restricting hunting and for the protection of game birds and animals outside National game refuges is vested in the State and Territorial legislatures, it is expected that Forest officers will cooperate with the local authorities in the enforcement of these laws in every possible way. A passive cooperation which permits rangers to refuse appointments as deputy game wardens or to overlook infractions of the game laws will not be tolerated.

Action initiated by District Forester.

The District Forester will endeavor to arrange a definite plan of cooperation with the State or Territorial authorities. He will offer the cooperation of the Forest Service in the protection of game on the National Forests in the District, furnish lists of rangers whose appointment as deputy game warden is desirable, and will assist in every proper way in the collection of evidence and the prosecution of offenders.

Duties of Forest officers.

The Supervisor will see that the plan of cooperation is put into effect on the Forest. He will recommend, through the District Forester, such of the rangers for appointment as deputy game wardens as are necessary to protect adequately the game on the Forest. It is not intended that this work shall interfere with the regular Forest business, but it should be carried to the highest point of efficiency possible without such interference. Nor is it intended that Forest officers should enforce the game laws with any less tact and judgment than is required in the enforcement of National Forest regulations. Copies of the local game laws can always be obtained in sufficient quantities for distribution among campers and travelers, and courteous instruction in regard to them will usually save the disagreeable necessity of an arrest for their violation.

Fees and bounties.

Forest officers are authorized to accept bounties offered and voluntarily paid by the State, counties, associations, or individuals for predatory animals killed, but must not accept any fees or parts of fines on account of enforcement of State game laws.

Interference by live stock.

In making range allotments the Supervisor should see that limited winter or summer feeding grounds, and in some cases breeding grounds, of elk, deer, antelope, mountain sheep, or mountain goat are not crowded with stock to the extent of driving the game from its natural range or of depriving it of winter feed upon which it is dependent. On adjoining Forests cooperation on the part of both Supervisors may be necessary to accomplish this. In other cases, sheep may be excluded

from limited areas to provide nesting places for game birds, such as pheasants, grouse, wild turkey, ptarmigan, or mountain quail. No arbitrary action should be taken which would cause hardship to stock owners. Wherever possible the owners affected should be consulted and induced if possible to agree to the proposed action.

Assignment of Forest hunters.

Forest guards and hunters appointed for the purpose of killing and trapping predatory animals may be assigned to work in portions of the Forest where such animals are known to be killing game in quantities. Rangers should be instructed to report instances of game killed by predatory animals.

Stocking streams.

If the Supervisor discovers that the number of game fish is materially decreasing in a streams, or that good streams or lakes exist in which there are no fish, he may report the fact to the District Forester, who will take it up with the State authorities if they own or control hatcheries, or through the Forester with the United States Bureau of Fisheries, with a view to having fry sent the Supervisor for stocking the waters of his Forest. Rare species in danger of extinction should be reported to the Forester for advice from the United States Bureau of Fisheries.

Inadequate or conflicting State laws.

If the Supervisor finds that the local game laws are inadequate to protect the game or fish in his locality—for example, if the open season on deer allows hunting during the mating season or permits quail to be killed before the young are able to care for themselves—he should report to the District Forester, who will bring it to the attention of the State warden.

Game extermination.

When any class of game on a Forest is in danger of extermination, the Supervisor should investigate the matter as thoroughly as possible. If he considers that the emergency is serious or that peculiar conditions exist, he will make a preliminary report to the District Forester requesting the detail of a representative of the Biological Survey to his Forest to conduct further investigations. If the District Forester concurs, he will prepare a letter to the Chief of the Bureau of the Biological Survey for the signature of the Forester requesting this cooperation.

GAME AND BIRD REFUGES.

Four classes.

Four different classes of game and bird refuges may be included within the National Forests: National game refuges or areas in which the killing of game animals is prohibited by acts of Congress; National bird refuges or areas in which the killing of birds is prohibited by acts of Congress; State game preserves, or areas in which the killing of game is prohibited by the legislature of the State or Territory; and protected areas or areas closed to the grazing of all classes of stock in order to protect game in its natural feeding or breeding grounds, but where hunting is allowed by the State laws.

National game refuges.

National game refuges are created by specific acts of Congress for the purpose of preventing trespass upon public lands in order to protect game and birds. Within a National game refuge local game laws apply only on private, State, or Territorial lands.

Authority of rangers.

The hunting, trapping, capturing, or killing of game animals upon a National game refuge in violation of any of the regulations for their protection prescribed by the Secretary of Agriculture under the authority of the statute creating it is a violation of the statute, and offenders will be tried in the United States district courts and not in the State or Territorial courts. Under authority granted by Congress, rangers are empowered to arrest persons violating National game refuge regulations.

Arrests.

In making arrests Forest officers must be certain that the hunting, trapping, capturing, or killing of the game animals took place upon Government land within the limits of the National game refuge and not upon land in private, State, or Territorial ownership, and must be prepared to prove these facts before the United States commissioner and in subsequent court proceedings.

Game wardens.

When a game warden is appointed from the United States Civil Service list for a game preserve within a National Forest he may be designated as acting supervisor and be placed in charge of the Forest, but game wardens who are not placed in charge of a Forest will work under instructions from the Supervisor the same as other Forest officers.

National bird refuges.

National bird refuges have been created under authority of an act of Congress, by Executive proclamation or order. The hunting, trapping, capturing, willfully disturbing, or killing any bird of any kind whatever or taking the eggs of such birds on any lands of the United States within National bird refuges in violation of any of the regulations prescribed by the Secretary of Agriculture is a violation of the statute. Legal procedure and action on the part of Forest officers in cases of violation of the regulations on National bird refuges will be the same as on National game refuges.

State game preserves.

State game preserves are created by specific acts of the State or Territorial legislature for the purpose of protecting game animals. Such acts apply to all lands embraced within the described area, including public lands of the United States, unless they conflict with acts of Congress. The killing of game in violation of the act creating a State game preserve is a violation of the State or Territorial laws, and offenders will be tried in the State or Territorial courts. Forest officers have authority to arrest for violations of such laws only after they have been appointed State or Territorial game wardens, or have been given special authority by the State legislature.

Authority of rangers.

Procedure.

When a State game preserve is established within a National Forest, the District Forester will communicate with the State game warden, offering the cooperation of the Forest Service in the enforcement of any regulations for the protection of animals in the State Game Preserve. Upon receipt of a request from the State game warden that any special action be taken, the necessary instructions will be issued to the Forest officers concerned.

Cooperation with State game warden.

If in the judgment of the District Forester it is contrary to the best interest of the Forest to comply with the State game warden's request, he may refer the matter to the Forester.

Protected areas.

Protected areas may be established by the Forester within the National Forests by the exclusion of live stock from limited areas which are the natural feeding or breeding grounds of game animals or birds. Since such areas must remain open to hunting under the State game law, an effort should be made to secure the cooperation of the State to prohibit the killing of game animals within protected areas.

Grazing trespass on protected areas.

The boundaries of protected areas should be plainly marked with notices showing that the areas are closed to the grazing of certain or all classes of stock. The grazing of stock upon the area will be considered as grazing trespass. Forest officers having charge of districts within which there are protected areas will give them the most effective protection possible.

All matters dealing with the protection of game on National Forests will be handled in the District offices by officers designated by the District Forester and in Washington by officers designated by the Forester.

STRAY OR UNBRANDED STOCK.

The ownership of all stray or unbranded stock upon the National Forests will be determined by the laws of the State or Territory in which the Forest is located, and Forest officers will be governed by such laws in the handling of stray or unbranded stock. Persons legally entitled to acquire title to stray or unbranded stock may be allowed to do so, but no permit or agreement should be granted or entered into by any Forest officer which authorizes a charge to be made for the gathering of such stock or its sale by the person or persons who have gathered or captured it.

The owners of all branded animals which are captured with unbranded stock will be required to make application for permit and pay the grazing fees upon them. Stray or unbranded stock, if not claimed by persons entitled to it under the law, will be held, and the State or Territorial authorities requested to take charge of it or authorize the Forest officer to dispose of it in accordance with the State or Territorial law.

Forest officers should not attempt to acquire title to stray or unbranded stock, or assume that its presence upon the Forest gives any right to its use, except when they are qualified under the law to acquire ownership of the stock.

The construction of corrals or pastures for use in capturing wild unbranded stock may be allowed under the rules governing other special uses of the National Forest.

Reimbursement for expenses incurred by Forest officers in the capture or removal of unbranded stock from the National Forests, in excess of their ordinary expenses, may be allowed when the expenditure has been authorized by the District Forester.

METHODS OF RANGE IMPROVEMENT.

Improvement of National Forest ranges may be effected in three ways:

1. Improved methods of handling stock.
2. Improvement of range by natural reseeding.
3. Improvement of range by artificial seeding.

Better methods of handling the stock.

Sheep.—By careful experimental study it has been found that sheep unmolested in pasture require only from 65 to 80 per cent as much range as when herded in bands in the open. This is due to the difference in the actions of the sheep. In pasture they wander about singly or in groups as cattle do, graze quietly, and bed in any opening where night overtakes them. Consequently, the forage is eaten instead of being destroyed, as it is on the range by close bunching, stampeding, and trailing back and forth to camp. The more nearly the former condition can be approached on National Forests the better for the range as well as for the sheep. Herders should be induced, wherever possible, to avoid quick massing with dogs, to bed the band where night overtakes it, and to leave a camp in good condition and return to it later rather than feeding it out to its full capacity in one visit.

Cattle.—Cattle have a tendency to congregate and graze in areas in the neighborhood of watering places and salt grounds. To offset this new water holes may be developed and salt at a distance from water distributed.

Goats.—Where goat herders maintain but one camp where the goats return to bed night after night as is the custom, the entire range about the camp is destroyed. Not only the grass and forage but the shrubs and even small trees are killed.

Where goats graze upon National Forest ranges they will not be allowed for more than six successive nights upon one bed ground except during the kidding season. If goat herders can be induced to handle their bands with a movable camp following the herd, the damage done could be greatly reduced and much of the objection to their presence on National Forests would be removed. The rapidity with which feeding goats move over a range is another injurious element. This may be prevented by the herder if he will hold the herd and force them to scatter and graze more openly.

Natural reseeding.

One of the chief reasons for the slow recovery of impoverished ranges is the fact that the forage is usually grazed each year before the seed crop is mature. It has been found that a portion at least of each range can be protected until the seed of the most important forage species has matured and scattered with no serious inconvenience to the stockmen. The area that can be set aside for later grazing will depend upon the time at which the seed crop ripens. If, for example, one-fifth of the season remains

after the seed has matured, one-fifth of the entire range allotment may be set aside for natural seeding each season.

After the seed has ripened the reserved area may be grazed in the usual manner in order that the seed may be tramped into the ground. It is advisable to make the same reservation the following year in order to give the seedlings a chance to develop a strong root system.

Artificial reseeding.

On ranges so severely overgrazed that the desirable forage species have been almost entirely destroyed and the lands are denuded, it is evident that artificial reseeding must be resorted to. When such work is undertaken two points must be remembered in selecting species for planting. First, the soil and moisture requirements of the plant itself, and second, the soil and climatic conditions of the area to be seeded. Redtop for example, should never be sown in dry soils, or even on meadows which may become dry in the latter part of the season. Smooth brome grass, which is one of the most drought-resistant species known, would in all probability not succeed in a moist locality.

Choice of areas.

In reseeding with forage species which make a quick height growth or a heavy sod, care should be taken to insure against competition with the reproduction of tree species, where forest reproduction is possible. Therefore in such cases a species like orchard grass, which forms tussocks, may be used. Such grasses leave a portion of the soil exposed where the tree seed may start.

The areas selected for seeding experiments need not be large. For a single species an acre, or even half an acre, is ample. It is essential, however, that the area selected should be representative of the general conditions on the range in need of reseeding. In order to obtain reliable results, experiments will necessarily extend over a period of years. To insure a fair test the experimental plot, or at least a portion of it, should be fenced. A detailed record of the work should be kept by the officer responsible for the experiment and progress reports submitted at the close of each growing season. The accompanying Blank A will be filled out when the experiment is started, and Blank B used for progress reports

Blank A.] [To be made in duplicate.

REPORT ON.....

GRASS SEEDING STATION.....

NATIONAL FOREST.

Area.....

Strip No. .....

(Designation on location post.)

Established.....191...

Location.....

(By section, township, and range, if possible.)

Character of site:

Exposure..... Slope.....

.....

(Approximate degrees of incline.)

Altitude..... Soil type.....

.....

(Sandy, clay loam, gravelly loam, etc.)

Cover.....

(Trees, brush, grass—stating only most abundant species.)

.....

.....

Past history.....

.....

.....

(Cut over, grazed, burned—state when burning took place, if possible.)

Protection.....

(Fenced or merely protected by herding.)

.....

Moisture.....

(Submoisture, precipitation, approximate annual rainfall and precipitation during the growing period.)

.....

.....

Species sown singly.....

Species sown to a mixture.....

Source of seed.....

(Good, average, poor, germination test.)

.....

Quantity of each species of seed per acre.....

.....

.....

Preparation of the soil.....

(Plowed, harrowed, brushed, tramped in, etc.)

Method of sowing.....

(Broadcasted or drilled in.)

Was seed well covered? .....

Cost of Ranger labor.....

Cost of outside labor.....

Total cost of sowing per acre, including seed.....

.....

(Signature.)

.....

(Title.)

Date of report....., 191...

Blank B.] [To be made in duplicate.

PROGRESS REPORT ON.....

GRASS SEEDING STATION.....

NATIONAL FOREST.

(To be submitted July 1 and October 1.)

....., 191...

Area..... Strip No. ....

.....

Established....., 191...

Location.....

.....

(Time since seeding.)

.....

(Time of germination.)

.....

(Are any dormant seed found?)

Density of stand.....

(Approximate number of seedlings per square yard.)

.....

(Is stand uniform?)

Species predominating.....

(If seed was of but one source, this need not be filled in.)

.....

Soil moisture at this time.....

Light conditions and competition.....

(State if weeds and native species are overshadowing and crowding out seedlings.)

.....

.....

Root development.....

(Note depth and spread.)

Would seedlings be pulled out of ground if grazed? .....

Approximate precipitation since seeding.....

(Climatology, considered favorable or unfavorable.)

.....

Height growth.....

(Average length of blades and entire plant.)

.....

Protection.....

(If grazed, to what extent and by what class of stock.)

.....

Loss of seedlings due to grazing .....

.....

Remarks .....
(If experiment is failure, show cause; if it has any noticeable drawbacks, note them.)

.....
(Suggestions for improvement in continuing the experiment.)

.....
(Reference to special letters written concerning improving the experiment.)

.....
(Signature.)

.....
(Title.)

Date of report....., 191...

Spring versus fall seeding.

The time of sowing and the subsequent treatment is quite as important as the selection of the species. In nearly all localities (notable exceptions being marshy meadows and swales, where the seed is liable to decay) fall seeding is usually much more successful than sowing done in the spring. In all seeding the ground can be worked more satisfactorily, which materially increases the per cent of germination and the seed coat, being thoroughly soaked and softened by the soil moisture, germinates as soon as the temperature becomes favorable. This results in the formation of a deep root system and better chances of survival through a later drought period, since seed sown in the spring germinates later, the resulting stand being relatively low, and a high per cent of loss follows when the surface layer of soil dries out.

REPORTS.

Rangers to Supervisors.

Forest rangers will make quarterly reports on the condition of the stock and the range under their charge in accordance with the outline on Form 658, when 50 per cent or more of the permits on the grazing district are year long. If less, these reports will be made on June 30 and September 30.

In the report for the quarter ending September 30 rangers will include the approximate number of stock grazed free under the ten-head exemption. (See "Stock exempt from permit," p. 22.)

Mortality reports.

The Supervisor may require from each ranger with the quarterly report, or oftener if necessary, a report on stock mortality covering the number of animals of each class discovered on the district during the period covered by the report dead of disease, accident, wild animals, poisonous plants, and starvation. The disposition of the carcass should be noted in each case.

Counting report.

Rangers or guards counting stock entering the Forest will report to the Supervisor on Form 874–18 as soon as possible after each count.

Grazing capacity of private lands.

Permits issued under Regulation G–19 should be based upon a field estimate of the grazing capacity of the lands involved. Private lands within a ranger's district may be examined when the application is made, or in advance of application at any time an opportunity occurs. Reports will be made on Form 251.

Hunters' reports.

When required by the Supervisor, officers employed as hunters will submit a report (Form 343) showing the work accomplished since the last report.

Grazing Chapter, Supervisor's Annual Forest Plan.

As a matter of convenience to the stockmen it is desirable to make public as soon as possible the number of stock that will be allowed to graze on the Forest the following season, the periods and the fees. Therefore, immediately after the close of the grazing season and not later than December 1, Supervisors will submit the "Grazing" chapter of the annual forest plan in duplicate, forwarding it to the District Forester without waiting for the completion of the rest of the plan. The following points will be covered:

General range conditions.

A statement of amount of rainfall and forage as compared with other years. The conditions of the range at the close of the season, and whether or not any portion of it is being injured by overgrazing. The condition of the stock at the time of entering and leaving the Forest. Market conditions and sales of stock during the season. Matters of general interest concerning the welfare of stock grazing upon the Forest.

Range divisions. Proposed changes in the grazing districts. The division of the districts between different kinds of stock. Closing areas against sheep, goats, cattle, horses, or hogs, for the protection of watersheds or of the Forest. The distribution of the stock upon the range changes in the number allowed upon districts or divisions. The establishment of driveways and restrictions in their use.

Permit allotments. General plan adopted in the approval of applications. Special rules for allotments. The establishment of protective or maximum limits.

Protection. Losses of stock from poisonous plants and the need for investigations. Prevalence of predatory animals and the need for the appointment of hunters. Prairie dogs and need for their extermination. Need for scientific investigation to determine a practical means of reseeding the range.

Stock grazing without permit. The approximate number of owners and of each kind of stock grazed free under regulation.

Live stock associations. Degree of cooperation received from stock associations. Methods used in settling controversies and adjusting range disputes.

Estimating grazing capacity. An estimate of the grazing capacity of National Forest lands only, counting stock 6 months old, but figuring on the natural increase.

Recommendations. Increase or decrease in the total number of each class of stock to be grazed on the Forest during the coming season, the distribution of the stock between districts. Grazing periods in different portions of the Forest and for different classes of stock. The fees to be charged for each class of stock. Special rules to meet local conditions. The issuance of five-year permits. (See Reg. G–1.)

Grazing map. The Supervisor will prepare a map of the Forest in duplicate, suitable for insertion in the Forest Atlas, to accompany the grazing chapter. It will show grazing district, areas open to each class of stock, lambing grounds, driveways, overgrazed areas, areas closed to any kind of stock, and areas which can not be utilized for grazing.

Game preserves. The Supervisor of a National Forest having a National game preserve within its limits will include in his annual plan full information on the condition of the forage within the preserve, the estimated number of game animals occupying the range, their condition and the permanent improvements necessary. Recommendations will be made regarding all matters which demand action.

Grazing Section—Supervisor's Annual Statistical Report.

A report on the printed form in accordance with the instructions thereon, giving the required data and information on the following subjects: Grazing permit; Classification of permits; Crossing permits and permits on account of private land; Predatory animals killed.

This report is due with the District Forester on July 15, and will cover the preceding fiscal year.

When this report is compiled, the record cards (Forms 621 and 256) for permits issued since July 1 of the preceding year and for the current grazing year may be checked with a blue pencil in the "Number applied for" column.

When the data is prepared for the classification of permits by grades, the record cards may be checked as above with a red pencil.

After the annual statistical report has been prepared, the record cards for the previous grazing year will be transferred to the closed files.

District Forester's Report.

Annual District plan. Upon receipt of the Supervisor's grazing chapter the District office of Grazing will take the action outlined under "Allotments," p. 20.

Statistical report. On receipt of all the Forest Statistical reports the District Forester will compile the data for the District showing the information by Forests and mail to the Forester not later than August 15.

86104°—11——6

Form 879
(Revised March 18, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

APPLICATION FOR GRAZING PERMIT

No. ....
(Date.)

I, ..., of .....,
(Place of residence.)

do hereby make application for permit to graze ..... head of cattle, ...
(Number.) (Number.)

head of horses, ... head of sheep, and ..... head of .....
(Number.) (Number.) (Kind of stock.)

upon lands of the United States within the ..... National Forest,

from ....., 191 , to....., 191 , and also.....

.....
(Lambing specified number of ewes included in aforesaid sheep, or other additional use.)

My marks and brands are as follows: Brands—

Earmark—

(Right.) (Left.)

It is my desire to graze the said animals upon that part of the Forest described as follows:

.....

.....

.....

Provided, That they shall not intrude upon any areas upon which grazing is prohibited.

I do hereby certify that—

1. This application is made for my own exclusive use and benefit, and not directly or indirectly for the use of any other person.

2. My home ranch is located in.....
(Give location by township, range, or section, if surveyed.)

.....

3. I own.....acres of improved farming land upon which hay or grain is
(Number.)

NOTE.—Animals under 6 months old at the time of entry which are the natural increase of stock grazed under permit will not be counted.

(OVER.)

raised, and also.....acres of summer grazing land, and.....acres of
(Number.) (Number.)

winter grazing land, located in the counties of.....

.....

4. I now actually own.....head of.....and.....
(Number.) (Kind of stock.) (Number.)

head of.....
(Kind of stock.)

5. My.....are ranged, during the winter season, on
(Kind or kinds of stock.)

.....
(Give township, range, and section, if range is owned or leased by applicant. If on public range, so state.)

.....
(If stock is fed, give location of ranch and amount of hay used.)

6. I have regularly used range now in the.....National Forest

during the past.....years and grazed.....head of.....
(Number.) (Number.) (Kind of stock.)

and.....head of.....on said Forest during the past season,
(Number.) (Kind of stock.)

from....., to.....
(Date.) (Date.)

7. I have not made application for a grazing permit in any other National Forest,

except as follows:.....

If this application is granted, in whole or in part, I do hereby agree to deposit the amount due for grazing fees to the credit of the Treasurer of the United States in the U. S. Depository designated by the letter of transmittal.

I also hereby bind myself and my employees engaged in caring for the animals while on the Forest to extinguish all camp fires started by myself or any of my employees before leaving the vicinity thereof, and to render all reasonable aid in extinguishing forest fires within the district in which the stock is grazed, such service to be without compensation if required to protect the grazing area allotted to me and described in my grazing permit, but at the prevailing rate of compensation if otherwise.

I also hereby agree that I will allow my stock to graze only upon lands of the United States within the areas specified in the permit, that I will obey and support all the laws and regulations governing National Forests, and that I will pay for all damage sustained by the United States through any violation, by myself or my employees, of such laws or regulations, or of the terms hereof or of the permit issued upon this application.

I also agree to forfeit the permit whenever the National Forest for any reason ceases to exist, or for a violation of the National Forest regulations now or hereafter adopted or of any of the terms hereof, or of the terms of the permit issued hereupon, or whenever any injury is being done to the Forest by reason of the presence of the animals therein.

Approved....., 191 ,
(Date of approval.)

.....
(Signature of applicant.)

for.....cattle,.....horses,
(Number.) (Number.)

.....sheep. .....
(Number.) (Post-office address.)

.....
(Signature of Forest officer.)

.....
(Title.)

Form 298
(Revised March 18, 1911)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

APPLICATION FOR GRAZING PERMIT, FIVE-YEAR PERIOD

No. ....
(Date.)

I, ...; of .....
(Place of residence.)

do hereby make application for permit to graze ..... head of cattle, ...
(Number.) (Number.)

head of horses, ... head of sheep, and ..... head of .....
(Number.) (Number.) (Kind of stock.)

upon lands of the United States within the ..... National Forest,

from ..... to ....., for a period of five years, beginning ....., 191.., and also the privilege of .....

.....
(Lambing specified number of ewes included in aforesaid sheep, or other additional privilege.)

My marks and brands are as follows: Brands—

Earmark—

(Right.) (Left.)

It is my desire to graze the said animals upon that part of the Forest described as follows:

.....

.....

.....

Provided, That they shall not intrude upon any areas upon which grazing is prohibited.

I do hereby certify that—

1. This application is made for my own exclusive use and benefit, and not directly or indirectly for the use of any other person.

2. My home ranch is located in .....
(Give location by township, range, or section, if surveyed.)

.....

3. I own ..... acres of improved farming land upon which hay or grain is
(Number.)

NOTE.—Animals under six months old at the time of entry which are the natural increase of stock grazed under permit will not be counted.

(OVER.)

raised, and also ..... acres of summer grazing land, and ..... acres of
(Number.) (Number.)

winter grazing land, located in the counties of .....

.....

4. I now actually own ..... head of ..... and .....
(Number.) (Kind of stock.) (Number.)

head of .....
(Kind of stock.)

5. My ..... are ranged, during the winter season, on
(Kind or kinds of stock.)

.....
(Give township, range, and section, if range is owned or leased by applicant. If on public range, so state.)

.....
(If stock is fed, give location of ranch and amount of hay used.)

I have not made application for a grazing permit in any other National Forest, except as follows:

.....

If this application is granted, in whole or in part, I do hereby agree to pay to the ..... National Bank of ..... (U. S. Depository), or such other depository or officers as shall hereafter be duly designated by the United States, to be placed to the credit of the Treasurer of the United States, the amount due for grazing fees for a period of five years annually in advance at the regular rate fixed each year for the said National Forest on the full number of animals for which my application is approved, and to use the range each year unless the Forest Supervisor agrees that it should be given a rest.

I also agree that the annual permits issued to me shall not be transferable, but it is agreed that if the stock is sold a permit may be issued to the purchaser allowing him to continue grazing it on the National Forest range until the expiration of the annual period for which the fees have been paid.

I also hereby bind myself and my employees engaged in caring for the animals while on the Forest to extinguish all camp fires started by myself or any of my employees before leaving the vicinity thereof, and to render all reasonable aid in extinguishing forest fires within the district in which the stock is grazed.

I also hereby agree that I will allow my stock to graze only upon lands of the United States within the areas specified in the permit; that I will obey and support all the laws and regulations governing National Forests; and that I will pay for all damage sustained by the United States, through any violation, by myself or my employees, of such laws or regulations, or of the terms hereof, or of the permit issued upon this application.

I also agree to forfeit the permit whenever the National Forest for any reason ceases to exist, or for a violation of the National Forest regulations now or hereafter adopted, or of any of the terms hereof, or of the terms of the permit issued hereupon, or whenever any injury is being done to the Forest by reason of the presence of the animals therein.

Approved....., 191 ,
(Date of approval.)

.....
(Signature of applicant.)

for.....cattle, ...horses,
(Number.) (Number.)

.....
(Post-office address.)

.....sheep.
(Number.)

.....
(Signature of Forest officer.)

.....
(Title.)

POSTAL CARD NOTICES

Form 153

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

....., 191

M.....

DEAR SIR:

Applications for permits to graze..... on the.....National Forest during the season of 191 must be filed in my office on or before....., 191 .

Application blanks and full information in regard to grazing periods and fees to be charged may be had upon request.

.....

Supervisor.

Form 303

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

....., 191

DEAR SIR:

Your application for a grazing permit on the..... National Forest is received, and you will be notified of the action taken in due time.

Very truly, yours,

.....

Supervisor.

Form 861 G
(Revised June 1, 1910) **Notice to Grazing Applicant and Letter of Transmittal**

SEE OTHER SIDE FOR INSTRUCTIONS—READ CAREFULLY

Payment must be made before beginning of the grazing period

....., 191..

THE ..... NATIONAL BANK,
United States Depository,
.....

There is inclosed herewith a (1) {Money order / Draft} for

..... dollars,

drawn payable to your order, to be placed to the credit of the TREASURER OF THE UNITED STATES. This deposit is on account of an application dated ....., 191..., for a permit to graze ..... head of ....., ... head of ....., ... head of ....., upon lands of the United States within the ..... National Forest, which has been approved for ..... head of ....., ... head of ....., ... head of .....,

.....

the stock to be allowed in District No. .....

.....

from ....., 191..., to ....., 191..., ...

.....

(2).....
(Signature of payer)

(3).....
(Post office)

....
(Permit No.) (Supervisor)

.....
(Name)

Deposit on account of grazing permit, ...

..... National Forest.

$.....

[Reverse side—Form 861 G] **INFORMATION FOR PERSONS MAKING PAYMENTS**

Indicate in the space marked (1) the character of your remittance, in (2) your name, and in (3) the address to which you wish the receipt sent. Failure on your part to make payments in the following manner will delay business: Make payments by *postal* or *express money orders* or by *National Bank drafts*, DRAWN PAYABLE TO THE ..... NATIONAL BANK. DO NOT SEND PERSONAL LOCAL CHECKS. Send payment with the copy of this form furnished you by the Forest officer to The ..... National Bank, ...

INSTRUCTIONS TO FOREST OFFICERS

Furnish this form to persons making payments for grazing permits. Enter in the spaces provided the amount of the remittance, date of application, number and kind of stock permit is applied for, number application is approved for, district stock will be grazed upon, and period during which grazing will be allowed. Send a duplicate copy to the District Forester and file a triplicate copy with the other papers in the case. Do not use this form for any payments except those on account of grazing permits.

Form 656
(Revised March 18, 1911)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

GRAZING PERMIT

(This permit is not transferable.)

No. .... (Date.)

M. ..... (Name), of ..... (Place of residence.), having paid to the ..... National Bank of ..... (U. S. Depository) the grazing fee amounting to the sum of ..... dollars ($.....), is hereby authorized to pasture the following number and class of live stock:

..... head of .....

and ..... head of .....

branded or earmarked as follows:

(Right.) (Left.)

upon lands of the United States within the ..... National Forest from ....., 191.., to ....., 191..; .....

.....

Provided, That the animals shall not intrude upon any area upon which grazing is prohibited, nor upon any portion of the National Forest except the following-described area:

.....

.....

.....

.....

This permit is issued in consideration of the promises and agreements made by said ..... in his application No. ....., dated ....., 191...

This permit is issued with no obligation or agreement on the part of the Government to maintain an exclusive possession upon any part of said Forest to any one person or firm, nor as to adjustment of any conflict as to possession.

For a violation of any of the terms of the application on which it is based, or whenever any injury is being done the Forest by reason of the presence of the animals therein, this permit will be canceled and the animals will be removed from the Forest.

.....

Supervisor.

NOTE.—Animals under six months old at the time of entry, which are the natural increase of stock grazed under permit, will not be counted.

Form 925
(Revised March 18, 1911)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

APPLICATION FOR PERMIT ON ACCOUNT OF PRIVATE LAND

....., 191...

I, ..., of.....

being the owner, or lessee, of lands described as follows: .....

.....

.....

.....

.....

.....

and located within the.....National Forest, do hereby agree to allow the free and unrestricted use of the said private lands by all stock permitted to graze on the adjoining National Forest lands, provided that in exchange for such use of the said private lands, I am permitted to graze..... (Number.) head of..... (Kind of stock.) and..... (Number.) head of..... (Kind of stock.) upon lands of the United States described as follows: .....

.....

.....

within the said Forest, from..... (Date.), to..... (Date.) during which period the said private land will adequately support the number of stock above mentioned.

I hereby bind myself and my employees engaged in caring for the animals while on the Forest to extinguish all camp fires started by myself or any of my employees before leaving the vicinity thereof, and to render all reasonable aid in extinguishing forest fires, such service to be without compensation if required to protect the area embraced in the permit, but at the prevailing rate of compensation if otherwise.

I also hereby agree that I will allow my stock to graze only upon the areas specified in the permit, and that I will obey and support all the laws and regulations governing National Forests.

I also agree that the permit shall become null and void whenever the National Forest for any reason ceases to exist, or for a violation of the National Forest regulations now or hereafter adopted or of any of the terms hereof, or whenever an injury is being done to the Forest by reason of the presence of the animals therein. I also agree that during the period the permit is effective I will not allow the use of the above described private lands by any stock other than those permitted to graze upon the adjoining National Forest lands.

Approved....., 191...
(Date of approval.)

.....
(Signature of applicant.)

.....
(Signature of approving officer.)

.....
(Post-office address.)

.....
(Title.)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CROSSING PERMIT

....., 191..

Mr....., of.....

is hereby authorized to drive.....head of.....

across public lands in the.....National Forest,

between....., 191.., and....., 191..,

by the following route: .....

.....

This permit is issued subject to all rules and regulations governing National Forests.

.....

.....

(Title of Forest officer.)

Form 874-17

Form 976

U. S. DEPARTMENT OF AGRICULTURE

FOREST SERVICE

HERDER'S IDENTIFICATION CARD

Mr.....

having been granted Permit No:....

to graze.....head of.....within

the.....National Forest

during the season of 191.., is authorized to divide the animals into.....

herds, one of which, designated as Herd No. ....., shall not contain more than.....head, and be in charge of

Mr.....

(If herder be changed, draw a line through name and enter new name on next line.)

.....

.....

.....

.....

.....

Forest Supervisor.

This card must be presented upon demand of any Forest Officer.

(OVER)

(Reverse side, Herder's Identification card.)

NOTICE

The holder of Grazing Permit No. ..... has agreed for himself and his employees to comply fully with all rules and regulations governing National Forests, to extinguish all camp fires before leaving the vicinity thereof, and to aid in extinguishing all forest fires in the territory occupied by him or them. It has also been agreed that when injury is being done the Forest by reason of the presence of stock grazed under permit, the animals will be removed.

These stipulations will be rigidly enforced.

The herder whose name appears on this card is particularly warned that building a fire upon the public domain, in or near a National Forest, and leaving said fire without totally extinguishing same is a crime, and any herder who commits such an offense will be prosecuted criminally to the full extent of the law. Forest officers have the right to arrest without a warrant any person caught violating the regulations governing National Forests. A herder who knowingly suffers or permits cattle, sheep, or other live stock under his care or contract to go upon lands in a National Forest not embraced in a permit duly issued by an authorized officer of the Forest Service, is subject to prosecution therefor.

Form 763
(Revised March 18, 1911)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WAIVER OF GRAZING PRIVILEGE

THIS MEMORANDUM witnesseth that:

WHEREAS the undersigned, ..., under date of....., received from the United States Department of Agriculture, Forest Service, a permit to graze.....head of.....upon the.....National Forest; and

WHEREAS such permit is understood to carry with it, in the discretion of the Forester, subject to necessary reduction, and upon the request of the permittee, a continuation of such privilege from year to year; and

WHEREAS the said undersigned, ..., has sold to....., of.....head of.....; and.....

.....

.....

.....

NOW, THEREFORE, the undersigned, ...

does hereby surrender unto the United States all privileges whatsoever allowed under the aforesaid permit and any such further continuance of the privileges thereunder as may be carried by the issuance of the said permit; and further, the said undersigned, ..., does stipulate that.....will not at any future time apply for a renewal of the said permit as to the.....head of.....sold as aforesaid.

Executed this.....day of....., 191..

.....

Witness:

.....

Form 377

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

BOND

KNOW ALL MEN BY THESE PRESENTS: That we.....
(Names of principals.)

.....

.....

as principal , and.....
(Names of sureties.)

.....

.....as suret , are bound unto the United States of America in the sum of.....Dollars ($.....), for the payment of which sum well and truly to be made to the.....National Bank of.....(U. S. depository) or such other depository or officers as shall hereafter be duly designated by the United States, to be placed to the credit of the United States, we bind ourselves and each of us, our and each of our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that whereas the above-bounden.....

.....
(Names of principals.)

ha by a certain.....by.....on this.....
(Application or agreement.) (Signed or executed.)

day of....., 191 , *made application for the privilege of grazing .....head of.....upon lands of the United States in that part of the.....National Forest, described in said application as follows*:

.....

.....

.....

and has agreed, if said application should be granted in whole or in part, to pay as therein provided the amount due for grazing fees, to obey and support all the laws and regulations governing the National Forests, to allow his stock to enter or graze only upon lands of the United States within the area specified in the permit issued upon such application, and to pay for all damage sustained by the United States through any violation, by him or his employees, of the aforesaid laws or regulations or of the terms of such application or of the permit issued thereupon.

.....

.....

.....

(Italics to be typewritten on blank form.)

NOW, THEREFORE, If the said .....
(Names of principals)

.....

shall well and truly perform all and singular the promises in said.....
(Application or agreement)
then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The parties hereto have executed this instrument this .....

day of ....., 191 , at .....

(Corporate seal, if corporation) ..... [SEAL]
(Principal)

..... [SEAL]
(Principal)

..... [SEAL]
(Surety)

..... [SEAL]
(Surety)

ACKNOWLEDGMENT OF PRINCIPAL.

STATE OF ....., COUNTY OF ....., *ss:*

On this.....day of ....., 191 , before me ..... a
(Name of notary)

notary public, in and for ....., residing therein, duly sworn and acting under a commission expiring ....., 19 , personally appeared .....

.....
(Names of principals)

known to me to be the ..... *of the* .....
(Title.)

.....
(Name of purchasing company)

the corporation that executed the above instrument, and known to me to be the person who executed the above instrument *in behalf of the said corporation*, and ..... acknowledged to me that he *said corporation* executed the above instrument, as principal , voluntarily for the uses therein specified.

WITNESS my hand and official seal the date first in this certificate above written.

[SEAL] .....
Notary Public.

N. B.—Italics are to be stricken out when bond is executed by individuals and not by corporations.

ACKNOWLEDGMENT OF SURETIES.

STATE OF ....., COUNTY OF ....., *ss:*

On this ..... day of ....., 191 , before me.....
(Name of notary)

a notary public, in and for ....., residing therein, duly sworn and acting under a commission expiring....., 191 , personally appeared .....

.....
(Names of sureties)

known to me to be the ..... *of the* .....
(Title)

.....
(Name of surety company)

the corporation that executed the above instrument, and known to me to be the person who executed the above instrument *in behalf of the said corporation*, and each acknowledged to me that he *said corporation* executed the same as surety, voluntarily for the uses therein specified.

WITNESS my hand and official seal the date first in this certificate above written.

[SEAL] .....
Notary Public.

N. B.—Italics are to be stricken out when bond is executed by individuals and not by corporations.

OATH OF SURETIES.

(Must be used when individuals are sureties.)

STATE OF ....., COUNTY OF ....., *ss:*

..... and .....
(Name of surety) (Name of surety)

being duly sworn, each for himself says that he is a citizen of the United States and a resident of .....; that he signed the above bond as one of the sureties thereon; that he is worth the sum of ..... in property in the ..... of his residence over and above all legal liabilities and exemptions, and that he has property therein subject to sale on execution worth the sum of .....

.....
(Surety)

.....
(Surety)

Subscribed in my presence by .....
(Name of surety

and .....
Name of surety), and by each of them sworn to before me this ..... day of ....., 191

WITNESS my hand and official seal the date last above written.

[SEAL] .....

Notary Public in and for the County of .....

State of.....

My commission expires .....

....., ..., ..., ..., 191
(City) (State) (Month) (Day)

Approved:

.....
(Signature of approving officer)

.....
(Title)

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 145—INSTRUCTIONS.

DECEMBER 3, 1912.

Grazing.—The seventh paragraph of the Instructions on page 43 is hereby amended to read as follows:

Where reductions are necessary, each grazing district will be considered as a unit, and the permittees occupying it will be required to meet any reductions necessary to prevent damage to the district or to provide range for new applicants entitled to graze within the district. Reductions will be based upon the number of stock grazed under permit the previous year. When there is unused range on other districts within the Forest, permittees who desire to transfer a part or all of their permitted stock to such range will be given a preference in its use.

HENRY S. GRAVES,
Forester.

69699—No. 145—13

FACULTY OF FORESTRY
MAR 24 1913
UNIVERSITY OF TORONTO.

103

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 138—INSTRUCTIONS.

SEPTEMBER 10, 1912.

Grazing.—Paragraph 4 of the Instructions, on page 39, designated "Indictment," is hereby amended to read as follows:

Except in cases where renewal of permit is considered by the district assistant to the solicitor or the United States attorney to be prejudicial, a person who has been charged with or indicted for any form of trespass on National Forest land, or for timber or land frauds against the Government will, pending the settlement or adjudication of his case, be allowed the renewal of any permit to which he is otherwise entitled by reason of previous use under permit or the purchase of permitted stock under conditions warranting renewal, but such a person will not be recognized as a new applicant or granted privileges to which he is not entitled because of prior use or the purchase of permitted stock until the charge or suit against him has been adjusted. When necessary to protect the interests of the Government the person charged with or indicted for trespass or fraud against the Government may be required to furnish a bond, to insure future compliance with the regulations, before permit will be issued, the bond to be in a sum determined by the supervisor and approved by the district forester.

A. F. POTTER,
Acting Forester.

59873—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 137—INSTRUCTIONS.

WASHINGTON, D. C., *September 6, 1912.*

Grazing.—The last paragraph of the Instructions, on page 19, is hereby amended to read as follows:

On Forests where all controversies have been settled and conditions are such that under ordinary circumstances no material changes are likely to be made in ranges, grazing areas, or the number of stock allowed, the Secretary, upon petition by twenty-five per cent or more of the permittees using the National Forest or upon the recommendations of a recognized advisory board representing that percentage of permittees, approved by the forest supervisor and the district forester, will authorize the acceptance of applications for periods of not more than five years. A term of five years having been established, applications received after the first year will be approved for the unexpired portion of the five-year term, four, three, or two years, as the case may be. The permit will be issued annually, and the approval of the application for any part of the established term will only guarantee a renewal of permit from year to year during the period, in the event that grazing is authorized by the Secretary of Agriculture and there is no cancellation of the permit by the district forester.

A. F. POTTER,
Acting Forester.

59873—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 13 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE USE OF FOREST LANDS FOR GRAZING PURPOSES.)

Effective on and after December 1, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY.

Regulation G–12, pages 11 and 12, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby amended to read as follows:

Grazing applications, other than for renewal of permit, will not be approved if the average number of stock per permit upon the Forest *or upon the grazing district where the stock are to be grazed* is more than 20 per cent below the established protective limit number, or if the approval of such applications require a reduction of more than 20 per cent upon any permit of the preceding year. If a Forest *or a grazing district* is fully stocked the total number of stock to be distributed among new applicants and permittees below the protective limit during any one year must not exceed 3 per cent of the total number authorized for the year, and no new permit will be issued for more than one-half of the protective limit number: or, if the average number of stock per permit is less than the *protective limit established for the Forest or the grazing district*, no new permit will be issued for more than one-fourth of the protective limit number, nor will such permit be issued except for stock which will be fed during the winter from the products of the permittee's ranch.

Upon fully stocked Forests or grazing districts, applications other than for renewal of permit will not be considered unless filed with the supervisor six months before the beginning of the grazing season.

Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants for a period of three years from the date of the waiver, except as purchasers of permitted stock.

Done at Washington, D. C., this 26th day of November, 1912.

Witness my hand and seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

69700—No. 13—13

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 16 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE GRAZING OF LIVE STOCK UPON THE NATIONAL FOREST LANDS.)

Effective on and after January 15, 1913.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

The following regulation for grazing upon National Forest lands, to be known as Regulation G–29, is hereby made and published, to be in full force and effect from the 15th day of January, 1913, and to constitute a part of the grazing section of the National Forest Manual:

Regulation G–29.—Authority to cancel or revoke grazing permits is delegated to forest officers under the following conditions: Permits may be canceled by the issuing officer or his successor or official superior upon request, or with the consent of the permittee, if such cancellation is not detrimental to the best interests of the Government. Permits may be revoked for breach of the terms of the grazing application or permit or of the rules and regulations, provided that the breach thereof is clearly established after the permittee has been afforded a reasonable opportunity to show cause why the permit should not be revoked, and that the revocation of permit is approved by the district assistant to the Solicitor, but they may be revoked only by an official superior of the issuing officer or in the following general order: Forest rangers' permits by the forest supervisor, forest supervisors' permits by the district forester, district foresters' permits by the Forester.

Done at Washington, D. C., this 6th day of January, 1913.
Witness my hand and the seal of the Department of Agriculture.
[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

73617°—No. 16—13

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1913

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 155—INSTRUCTIONS.

JANUARY 6, 1913.

Grazing.—The last three paragraphs of the Instructions on page 36 are hereby amended by the substitution of the following instructions:

A cooperative association is an organization formed for purposes of economical management of stock upon the range, wherein the stock of the different owners are run together under joint management, although each member retains absolute personal title and right of possession to the stock grazed in his name, enjoys actual personal use of the range to the full extent of his permit, and acknowledges personal responsibility for the proper management of his stock within the Forest. Each member of such a cooperative association must make individual application for the number of stock for which he desires permit. The approval of the application will be based upon the individual qualifications of the applicant. In no case will the total number of stock grazed under permit by all members of a cooperative association be allowed to exceed the maximum limit established for the Forest.

The use of a common mark or brand and the distribution of profits, losses, and running expenses on a pro rata basis will not be considered objectionable, if conclusive proof is submitted to show that no part of the benfits derived from grazing each specific number of stock upon the National Forest range is to be shared by others than the permittee.

HENRY S. GRAVES,
Forester.

73617°—No. 155—13

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1913

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 144—INSTRUCTIONS.

DECEMBER 3, 1912.

Grazing.—The first paragraph of the Instructions on page 42 is hereby amended to read as follows:

Protective limits are established to protect permittees from reductions in the number of stock which they are allowed to graze under permit to a point where it is inadequate to maintain a home or is too small to be handled at a profit. The average number of stock which a settler must graze in order to utilize the products of his farm or derive a reasonable profit will be determined upon each Forest *or, if necessary, upon each grazing district thereof*, and will serve as the basis for the protective limit. In arriving at this average number the dependence of settlers upon National Forest ranges will be considered. Where stock growing is the only pursuit in a region, the number of stock guaranteed a settler must be sufficient to support his family. In an agricultural region where the product of the farms is fed to stock, the number should be sufficient to consume the forage produced by the average farm.

The third paragraph of the Instructions on page 42 is hereby amended to read as follows:

When in the judgment of the district forester it becomes necessary for the protection of class A owners, he will establish protective limits for each kind of stock, and renewals of all permits within such limits will be made without reduction. *It will be within the discretion of the district forester to establish limits uniformly applicable to the entire Forest or special limits for each grazing district of the Forest.* A holder of a permit for one class of stock may secure a permit for another class, providing the number holds the same ratio to the protective limit. For example: A holder of a cattle permit for 50 head on a Forest where the protective limit is 100 head may also be allowed a permit to graze 600 sheep if the protective limit on sheep is 1,200 head.

HENRY S. GRAVES,
Forester.

69699—No. 144—13

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 10 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND COVERING THE GRAZING OF LIVE STOCK UPON NATIONAL FOREST LANDS.)

Effective on and after October 1, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Regulation G–19, page 14, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby modified and amended to read and to provide as follows:

Persons who own, or who have leased from the owners, unfenced lands within any National Forest which are so situated and of such character that they may be used by other permitted stock to an extent rendering the exchange advantageous to the Government, may secure permits allowing them to graze upon National Forest land, free of charge, the number of stock which the private lands will support, by waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed on National Forest land under permit.

Done at Washington this 23d day of September, 1912.
Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

W. M. HAYS,
Acting Secretary of Agriculture.

61605°—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 12 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE USE OF FOREST LANDS FOR GRAZING PURPOSES.)

Effective on and after December 1, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY.

Regulation G–11, page 11, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby amended to read as follows:

When necessary to secure an equitable distribution of grazing privileges the district forester will establish protective limits covering the number of stock for which the permits of small owners will be exempt from reduction in their renewal. *It will be within the discretion of the district forester to establish general protective limits applicable to the entire Forest or special protective limits for each grazing district, such limits to be based upon the character and intensity of the demand for grazing privileges within each district.* Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees. (See Reg. G–13.)

When necessary to prevent monopoly of the range the district forester will establish maximum limits in the number of stock for which a permit will be issued to any one person, firm, or corporation. Permits for numbers of stock in excess of the maximum limits will be issued only to persons who, during the preceding year, held permits to graze numbers of stock equal to or greater than that for which application is made. The district forester may suspend the maximum limit in special cases.

Done at Washington, D. C., this 26th day of November, 1912.

Witness my hand and seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

69700—No. 12—13

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 123—INSTRUCTIONS.

MARCH 21, 1912.

Grazing: The last sentence of paragraph 5 of the Instructions on page 38 is hereby amended to read as follows:

Permits allowing the temporary use of such a range or of any unallotted range within a Forest should stipulate that no grazing preference is given and that renewal of the permit may not be allowed during the following year, and the words "temporary permit not renewable" should be written or stamped across the face of the permit in red ink.

HENRY S. GRAVES,
Forester.

37185°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 115—INSTRUCTIONS.

JANUARY 31, 1912.

Grazing.—Page 45 of the Instructions is hereby amended by the addition of the following paragraph:

New settlers upon unimproved lands in either Government or private ownership may be granted temporary grazing privileges which will be contingent upon continued residence upon the lands, improvement, and compliance with the United States land laws or contract agreements, and will not become permanent until after three years' use of the range. They may, in the discretion of the supervisor, be limited in their initial use of the range to not more than one-half of the number of stock allowed established bona fide class A new applicants, with the understanding that they will receive annual increases which, at the end of the three-year temporary period, will allow them to graze the same number of stock as other class A new applicants. Subsequent to the expiration of the three-year temporary period their status will be the same as that of other class A new applicants.

HENRY S. GRAVES,
Forester.

29837—12

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 11K—INSTRUCTIONS

JANUARY 31, 1912

GRAZING.—Page 41 of the Instructions is hereby amended by the addition of the following paragraph:

New settlers upon unimproved lands in either Government or tax ownership may be granted temporary grazing privileges which will be contingent upon continued residence upon the lands, improvement, and compliance with the United States land laws or contract covenants, and will not become permanent until after three years of the range. They may, in the discretion of the supervisor, be limited to their initial use of the range to not more than one-half of the number of stock allowed upon the ultimate basis. A new applicant, with the understanding that they will receive annual increases, at the end of the three-year temporary period, will allow them to graze the same number of stock as other class A new applicants. Permanent to the expiration of the three-year temporary period their claims will be the same as that of other class A new applicants.

HENRY S. GRAVES,
Forester.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 114—INSTRUCTIONS.

JANUARY 31, 1912.

Grazing.—Paragraph 2 of the Instructions on page 26 is hereby amended to read as follows:

If suitable range is available within the National Forest, grazing permits for short periods may be extended and made effective for any of the longer periods established for the Forest upon payment of the difference between the rates established for the two periods. The fee representing the difference between the two rates must be paid not only upon stock covered by the original permit, which are to be grazed during the extended period, but also upon all additional animals which have reached the age of 6 months during the original permit period.

HENRY S. GRAVES,
Forester.

29837—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 106—INSTRUCTIONS.

JANUARY 4, 1912.

Grazing.—The Instructions contained in the fourth, fifth, and sixth paragraphs on page 48, relating to the numbering of grazing applications, are hereby revoked. They will be superseded by the following:

The use of serial numbers in designating grazing cases will be discontinued. Applications for grazing permits will be designated by the name of the applicant, initials indicating the kind of stock for which permit is desired, and date of application. Approved applications, including those for five-year periods, will be filed in alphabetical order in two divisions, one including applications to graze cattle, horses, or swine; the other applications to graze sheep and goats. Amended and supplemental applications will be designated by the dates they bear and not by the date of the original application, but will be marked "Amended" or "Supplemental," to show their relation to the original application. Amended and supplemental applications will be recorded on the original card, Form 621, using one line of the card for each transaction.

The part of a sentence "given the number of the application on which it is issued," on page 30, and the sentence "The same serial number will not be used in any other case," on page 49, should be stricken out.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 10—INSTRUCTIONS

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

127

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 113—INSTRUCTIONS.

JANUARY 31, 1912.

Grazing.—Paragraph 8 of the Instructions on page 59, "Crossing to permitted ranges," is hereby amended to read as follows:

The regular grazing permit carries with it the privilege of driving the permitted stock over National Forest lands to and from the allotted ranges at the beginning and end of the grazing season and from the range to the most accessible shearing, dipping, and shipping points during the term of the permit. Supervisors should designate the route to be traveled and the crossing period whenever it is evident that the unrestricted privilege would be detrimental to the Forest or to other permittees.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 5 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE GRAZING OF LIVE STOCK UPON NATIONAL FOREST LANDS.)

Effective on and after February 15, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Regulation G–13, page 12, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby modified and amended to read and to provide as follows:

Grazing permits will be renewed only when the grazing of the class of stock involved is authorized by the Secretary of Agriculture. Permits for numbers of stock in excess of the established protective limits will be subject to reduction in their renewal, and no division or sale of stock and ranches will exempt such permits from reduction. A permit may be divided in its renewal because of division of stock and ranches between two or more owners or purchasers, but not more than one permit will be issued for less than the protective limit number of stock because of such division.

A renewal of permit may be allowed the purchaser of stock grazed under permit and the ranches used in connection therewith, provided that the permittee from whom the stock is purchased has used the range during three or more successive years and the purchaser has secured a waiver from the permittee of all preference in renewal of the permit. *The renewal of permit, which has been secured as above, to a second purchaser may be allowed after the expiration of one year from the date of the permit issued the first purchaser.* The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if he is the owner of improved ranch property which is commensurate and used in connection with the stock, a renewal of permit may be allowed for not to exceed 80 per cent of the number of stock purchased, and provided that a full renewal will be allowed if the purchaser is a resident ranch owner who does not own a total of more than the protective limit number of stock. When all stock grazed under permit and all ranch property used in connection therewith by a permittee is purchased a full renewal of permit may be allowed, subject to the maximum limit restriction and to necessary reductions applicable to other permits of the same class.

Done at Washington this 2d day of February, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.] JAMES WILSON,
Secretary of Agriculture.

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32358°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 4 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE GRAZING OF LIVE STOCK UPON NATIONAL FOREST LANDS.)

Effective on and after January 20, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Regulation G–7, page 10, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby modified and amended to read and to provide as follows:

Grazing permits will be issued only to persons entitled to share in the use of the range within National Forests by virtue of prior use and occupancy of National Forest lands for grazing purposes; or by local residence, ownership of improved ranch property within or near the forest, and dependence upon the range; or by the acquisition of stock grazed upon National Forest lands under permit and of improved ranch property used in connection with the stock, under circumstances which warrant an entire or partial renewal of the permit issued to the former owner, except when there is surplus range, in which case temporary permits may be issued to owners of transient stock.

Nonuse of a range during one year, except as authorized by the instructions of the Forester, will be sufficient grounds for the denial of grazing privileges.

Done at Washington this 20th day of January, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

32358°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 105—INSTRUCTIONS.

JANUARY 4, 1912.

Grazing.—Paragraph 5 of the Instructions on page 49, relating to the preparation of a card record of grazing applications approved and permits issued, is hereby amended to read as follows:

Record card Form 256 will be discontinued. Each approved annual or term application will be recorded upon a record card, Form 621, revised, which provides for a record covering a period of 10 years. The date of the fiscal agent's receipt, the amount of the fee paid, and the date the permit is issued will be entered upon the card. Refunds will be recorded by a note in the "Remarks" space or on the margin of card; e. g., "Refund—1912," which will refer to detailed record contained in folder. The record cards Form 621, being continuous, will be retained in the current files until the case is closed, when they will be transferred to the file for record cards of closed cases.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 10—INSTRUCTIONS

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 152—INSTRUCTIONS.

DECEMBER 14, 1912.

Grazing.—Paragraphs 1, 2, 3, and 4 of the Instructions, on page 69, are hereby amended by the substitution of the following instructions:

Wild game adds materially to the enjoyment of the National Forests by the public, and the preservation of game animals, birds, and fish is a public duty. This duty, however, rests primarily with the State. It is incumbent upon the Forest Service, under the act of May 23, 1908, to render all reasonable assistance in the protection of game within the National Forests, but the duty of enforcing the State game laws is one which the Service can not assume without the consent of the State and which the State can not impose upon forest officers without the consent of the Forest Service. The Forest Service must be governed in its enforcement of the game laws by the attitude of the State officials. Furthermore, such assistance must be subordinated to the regular protective and administrative work of the Forest Service. In no instance will additional officers be employed for this purpose. Officers will not be retained for periods of the year during which they are not required for other duties or stationed in parts of Forests where they are not otherwise needed in order to protect game. The time spent and expenditures incurred must be limited to such as will cause no serious interference with regular work. Assistance in the enforcement of the game laws within the National Forests of each district, by members of the Forest Service, will be in accordance with definite instructions issued by the district forester, who in issuing such instructions will be governed by the following general statement of policy.

In States which have enacted adequate laws for the protection of game and where such laws are fully and conscientiously enforced by the State officers, the Forest Service will carry the work of enforcing the game laws to the highest point of efficiency attainable within the limitations specified above. To accomplish this the district forester may, at his discretion, agree with the proper State officers upon a definite plan of cooperation with stipulation of the conditions under which forest officers will accept appointments as deputy State game wardens, and will enforce the State laws through the arrest and prosecution of persons found to be violating such laws. Such a

plan of cooperation should, if necessary, provide that the terms and conditions under which forest officers will act as deputy wardens will be stated definitely in the oaths of office to which forest officers subscribe. The point at which the work of game protection will be subordinated to the requirements of the Service should be definitely established. There should be a general understanding with reference to the circumstances under which a forest officer may not take cognizance of apparent violations of the game law, and it should be made clear that the forest officer will be expected to exercise the same tact and judgment in the enforcement of the game laws that he does in the enforcement of the National Forest regulations. Where the district forester and the State authorities have agreed upon such a plan of cooperation the men whose names the district forester has furnished to the State game warden with recommendation for their appointment as deputy game wardens will be required to accept the appointments and to enforce the game laws in strict accordance with the terms of the agreement, unless they can furnish the district forester with satisfactory reasons why they should not be required to accept appointment or perform the duties of the office.

In States where the game laws are adequately enforced, but where no plan of cooperation has been agreed upon, each forest officer will be at liberty to accept or refuse appointment as a deputy game warden. It will, however, be the duty of each forest officer to report to the local authorities each case of violation of the game laws which may come to his attention and to furnish the local authorities with all information and assistance essential to the enforcement of the law, but not to make arrests or initiate prosecutions unless commissioned as deputy game warden.

In localities where State officers show little interest in game-law enforcement or fail to support forest officers who try to enforce the laws, it is out of the question for forest officers to take the brunt of a burden which belongs primarily to the State. Where a popular prejudice against the enforcement of the State's game laws is acquiesced in by the State's local officers the Forest Service will not undertake to enforce these game laws, for it could not enforce them if it tried, and the effort merely hampers the work of the Government in administering the Forests.

HENRY S. GRAVES,
Forester.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1913

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 103—INSTRUCTIONS.

JULY 15, 1911.

Grazing.—The last paragraph of the Instructions on page 47, and the first paragraph on page 48, are hereby amended by the insertion of the clauses printed below in italics:

When both the stock and ranches are purchased, *if the ranch property is commensurate and used in connection with the stock*, a renewal may be allowed the purchaser with any reduction that would have been made in the original permit.

If, after the transaction, *which includes a transfer of ranch property commensurate and used in connection with the stock*, the purchaser possesses all the qualifications of the original permittee, he should be allowed the same privileges if the number of stock does not exceed the maximum limit. If he does not, the privilege should be reduced accordingly.

HENRY S. GRAVES,
Forester.

29837—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 116—INSTRUCTIONS.

JANUARY 31, 1912.

Grazing.—Paragraph 2 of the Instructions on page 35 is hereby amended by the addition of the following sentences:

New settlers upon unimproved Government or patented lands will not be regarded as class A applicants until they have demonstrated the good faith of their settlement by three years of residence, improvement, and cultivation, and by compliance with the United States land laws, or satisfaction of contract agreements. They may, however, be granted the same preference in the use of the range that is granted to bona fide class A applicants: *Provided*, That the grazing privileges granted will be temporary in character during the three-year period, and will not be in excess of the settler's actual needs or so large that they will appear to be the principal object in filing upon or purchasing the land.—(See p. 45, " Permits to new owners.")

HENRY S. GRAVES,
Forester.

29837—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 117—INSTRUCTIONS.

JANUARY 31, 1912.

Grazing.—Paragraph 6 of the Instructions on page 47 is hereby amended to read as follows:

In order to prevent speculation, when a Forest is fully stocked, renewal of permit will not be allowed a purchaser of permitted stock if the original permittee has used the range less than three years. *A permit granted because of the purchase of permitted stock may, however, be renewed to a second purchaser after the expiration of one year from the date of the permit issued the first purchaser.* This rule will also apply when the permittee who proposes to sell is a member of a partnership.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 146—INSTRUCTIONS.

DECEMBER 3, 1912.

Grazing.—The first paragraph of the Instructions on page 45 is hereby amended to read as follows:

Applications from new settlers or beginners on Forests *or grazing districts* which are fully occupied will not be considered unless filed with the supervisor at least six months before the beginning of the yearlong grazing season.

The third paragraph of the Instructions on page 45 is hereby amended to read as follows:

When the range is fully occupied, the total number of stock allowed beginners in any one year must not exceed 3 per cent of the total allowance for the Forest *or grazing district.*

The sixth paragraph of the Instructions on page 45 is hereby amended to read as follows:

Upon Forests *or grazing districts* which are not fully stocked or when there is surplus range, applications of beginners may be allowed for the full protective limit; when there is not, permits to beginners will be restricted to one-half the protective limit.

HENRY S. GRAVES,
Forester.

69699—No. 146—13

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

145

AMENDMENT NO. 3 TO THE NATIONAL FOREST MANUAL, 1911—GRAZING. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING THE GRAZING OF LIVE STOCK UPON NATIONAL FOREST LANDS.)

Effective on and after January 11, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY.

Regulation G–21, page 14, of the National Forest Manual, 1911, Grazing, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby modified and amended to read and to provide as follows:

Whenever any live-stock association whose membership includes a majority of the owners of any class of live stock using a National Forest or portion thereof shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between different classes of stock or their owners, or the adoption of special rules to meet local conditions.

When an association represents only a minority of the owners of any kind of live stock, but its members own 75 per cent of that kind of live stock using the range, upon petition of a sufficient number of the other owners to constitute a majority its advisory board may be recognized by the district forester.

Whenever a State live-stock association appoints an advisory board, it may be recognized by the district forester and consulted with in regard to matters which affect the general administration of the National Forests within the entire State.

Whenever a national live-stock association, representing the owners of any kind of stock, appoints an advisory board or committee representing the users of the National Forests in all of the different States, it will be recognized by the Secretary of Agriculture and the Forester and consulted with annually regarding matters which concern the general welfare of the stockmen using the National Forest ranges.

Done at Washington this 11th day of January, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

32358°—12

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

INSTRUCTIONS TO FOREST OFFICERS RELATING TO FOREST PLANS, FOREST EXTENSION, FOREST INVESTIGATIONS, LIBRARIES, COOPERATION, AND DENDROLOGY.

ISSUED BY THE
SECRETARY OF AGRICULTURE,
TO TAKE EFFECT
NOVEMBER 1, 1911.

FOREST PLANS.
FOREST EXTENSION.
FOREST INVESTIGATIONS.
LIBRARIES.
COOPERATION.
DENDROLOGY.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

INSTRUCTIONS TO FOREST OFFICERS.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, October 14, 1911.

The following procedure and instructions relating to forest plans forest extension, forest investigations, libraries, cooperation with other Departments of the Federal Government and with States and private owners, and dendrology, are hereby established and issued to take effect November 1, 1911.

H. S. GRAVES,
Forester.

Approved:
JAMES WILSON,
Secretary.

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THE NATIONAL FOREST MANUAL.

FOREST PLANS.

Object.

The object of the Forest plan is to systematize and control the management of each Forest upon a definite basis which shall represent the cumulative experience and information which the Service has acquired.

Kinds of plans.

Three different kinds of plans, differing only in scope and intensity, will be used in developing the management of the respective Forests, namely: Preliminary plans, working plans, and annual plans.

Preliminary plan.

A preliminary plan is simply a systematic statement, prepared from the best information now available, of the resources of the Forest, the conditions governing their use and development, and the administrative measures to be followed in their management.

Working plan.

A working plan is a similar statement, more complete and final in character, based upon thorough investigation and accurate data, and including a definite scheme of management devised for a period of years.

Annual plan.

The annual plan is covered by the various periodic estimates and reports called for by the administrative sections of the Manual. It constitutes a periodic revision of the preliminary or working plan, together with the specific application of these plans to the business of the Forest for the ensuing year.

Ground to be covered.

The subjects to be covered in all forest plans are:

1. General administration.
2. Silvicultural management.
3. Grazing management.
4. Permanent improvements.
5. Forest protection.
6. Uses of Forest land, including settlements, special uses, water power, and administrative sites.

Coordination of work.

The forest plan should coordinate the various lines of work in each unit. It should provide for the most efficient administration and the best use of the Forest resources possible at the least practicable cost.

Area covered by plan.

Each forest plan will provide for the management of a whole administrative unit or Forest. No plan should include more than one Forest. Where conditions in adjacent Forests are similar, or the Forests supply the same markets, these facts will be considered, particularly in the location of cutting areas and limitation of the annual cut. Such considerations will also be necessary in grazing and protection.

Division of Forest.

Where necessary, because of important market or topographic considerations, the Forest may be divided into areas each of which will be managed with the idea of sustained yield. If necessary to assist in regulating the cut, a subdivision of the above areas may be made; this should be on the basis of logging units or groups of logging units, the boundaries depending entirely upon topography. Unnecessary divisions will not be made, since they complicate administration. Where possible the lines of administrative subdivisions and those for the technical management of the Forest will be coordinated.

Maps.

Maps should follow the Atlas legends as far as practicable. They will be prepared as indicated in the instructions for each part of the plan and in addition where necessary to make the plan clear or where their use makes it possible to reduce description.

Responsibility for plans.

Final responsibility in the preparation of all forest plans rests with the supervisor. He should, in submitting the plan for approval, transmit any recommendations of the officer in direct charge of its preparation which differ materially from the plan as submitted.

Improvement of plans.

Since the completion of any plan is but the beginning of systematic management, every effort should be made by the local force, with or without assistance from the district forester, to improve plans which have been prepared and to obtain the additional data needed for more efficient administration.

Filing.

Copies of all preliminary or working plan data, except maps, will be filed in separate folders, or, if this is not feasible, cross references will be inserted.

PRELIMINARY PLANS.

A preliminary plan should be prepared as soon as practicable on each Forest from the data now available. The compilation of such data in the form of a definite plan of management will systematize and strengthen the administration of the Forest and furnish a basis for further extension and improvement. The following points should be covered:

Under "General administration" should be given:

General administration.

1. The Forest force, based upon the men required to transact economically the business of the Forest and furnish adequate protection during the fire season.

2. Division of the Forest into administrative and patrol districts to be shown on a map.

3. A record by classes of past receipts and expenditures and an estimate of future receipts and expenditures.

Under "Silvicultural management" should be given:

Silvicultural management.

1. Divisions and subdivisions, if any, with reasons.

2. Approximate estimates of timber by convenient, technical, administrative, or legal subdivisions.

3. The silvicultural systems which should be used, by types, and by divisions if modification of the system on different divisions is necessary. Principles to govern marking drawn from the best silvical data available. The object of management for the Forest, as

far as available information makes it possible, or for divisions, classes of material to be produced, species to be favored, and rotation desirable.

4. A rough classification of the timber on the Forest, or parts of the Forest, in accordance with its age and condition, showing the bodies of mature timber, of thrifty timber not yet in need of cutting, and of young growth; together with a plan of cutting, showing the order in which the various areas should be logged. Areas of protection forest where no cutting is recommended should be indicated. The approximate periods in which immature stands will reach merchantable size should be shown.

5. Recommended limitations on the annual cut for the ensuing four or five years.

6. Data on methods of logging, accessibility of merchantable bodies of timber, costs of logging and manufacture, markets and market conditions, demand, prices, etc.

7. The policy for the whole Forest, or divisions if advisable, which should be followed as to sales, reservations for local industries, and free use, together with the opportunities for desirable sales.

8. Tentative stumpage rates for the entire Forest, or divisions.

9. Improvements needed to facilitate the sale or protection of timber. To be incorporated in the permanent improvement plan.

10. The approximate areas on which artificial reforestation will be necessary in whole or in part, together with the species to be used, and, broadly, the plan to be followed during the ensuing four or five years, plans for nurseries, outline of desirable experiments, etc.

11. The order in which the various parts of the Forest should be covered by complete reconnaissance; desirable silvical studies leading toward better management, etc.

Map for silvicultural plan.

This part of the plan should be accompanied by a map showing topography in as much detail as data available will allow, roads, trails, forest types, age classes, if necessary, nursery sites, and areas proposed for artificial regeneration. Much of the other data called for may be shown either on the map or in concise tabulations with explanatory notes.

Grazing.

Under "Grazing" the essential point is to compile all available information on the range conditions in the Forest as a basis for systematic range protection, development, and improvement. The following outline should be followed in so far as the data are now available, or can be obtained by the supervisor. It is intended only as a guide and should be varied where necessary to cover local conditions. More detailed outlines may be prepared where advisable. All the data collected should contribute directly to the management of the grazing business on the Forest.

1. Classification of grazing lands and estimates of carrying capacity, including:

Classification and estimates.

(1) Determination of characteristic ecological types or groups of forage plants each of which includes certain combinations of grasses, weeds, and browse. The types should be mapped on a base map of the Forest. Groups containing poisonous plants may demand particular attention.

(2) Concise descriptions of each group or type including notes on individual species, the seasons when the plants may be used, the relative grazing value of the types, and the class of stock for which they are best suited.

(3) A record in tabulated form of the kind and amount of stock per section at present grazed on the land, with an estimate of its present grazing capacity, and if overgrazed or poorly stocked with forage plants the capacity to which it may be brought by proper treatment.

2. Range improvements: Map record of present and needed watering facilities, including wells, streams, springs, natural and artificial ponds and tanks, drift fences, and other improvements necessary for the best use of the range. To be incorporated in the permanent improvement plan.

Range improvements.

3. Herbarium: A collection in duplicate of the principal forage plants on the Forest, including grasses, weeds, and brush, to be kept in the supervisor's office for reference.

Herbarium.

4. The plan of management should include, with necessary maps, notes, and explanatory data, provision for:

Plan of management.

(1) The control and eradication of poisonous plants.

(2) Improvement of overgrazed or poorly stocked areas, including reseeding, the use of a rotation scheme of excluding stock from areas for a part of the year to allow seeding of native plants, etc.

(3) Fuller use of the range by the class of stock for which it is best suited, including areas not now used.

(4) Exclusion or reduction of stock or the change of grazing seasons when necessary for silvical reasons or the protection of watersheds for irrigation or municipal water supply. Reduction to prevent overgrazing, or erosion caused by grazing.

(5) The better handling of stock, including salting, bedding, the prevention of concentration to the injury of the range, improved herding methods, etc.

(6) Improvement in range districts, range allotments, etc.

(7) The extermination of predatory animals, based upon the kind and amount of damage done.

(8) The extermination of prairie dogs, based upon the area occupied and the damage done.

A systematic plan for the permanent improvements on the Forest should be steadily developed, extended, and improved. It will include all classes of permanent improvements necessary for the protection, development, and administration of the Forest, the need of which can be clearly foreseen.

Permanent improvements.

The improvement plan will take the form of a map, and such additional notes as may be necessary for its proper understanding. Rough estimates of cost should be included wherever obtainable. Before survey, roads, trails, etc., will be located approximately on the map. Corrections and additions to the improvement plan will be made whenever the need is apparent. The following kinds of work will be considered: Roads, trails, bridges, telephone lines, signal systems, permanent and temporary headquarters, pastures, lookout towers, fire lines, tool boxes, improvements necessary for range development or making timber accessible, and areas in which the blazing and posting of trails is urgent.

Improvement map.

Under "Forest protection" provision will be made for protection against fire and insects, and the protection of nurseries and plantations against rodents.

Forest protection.

A plan for fire protection, as complete as is now practicable, should be formulated and put into effect on each Forest. Special attention should be given to the extension and modification of this plan as further experience is acquired.

Fire plan.

The fire plan will consist of a map showing detailed topography, forest types, all permanent improvements which will be of any value in fire protection, lookout points, lines of fire patrol, camping sites, places where assistance in fighting fire may be obtained, areas of particular menace and areas in particular need of protection, and detailed directions to rangers concerning fire patrol, and cooperation with other districts and forests. Directions for preparing fire plans are given under "Fire protection" in the miscellaneous section of the Manual.

Special outlines for other protective features of the forest plan may be prepared for the respective Forests in accordance with individual needs.

Other protective features.

Under "Uses of Forest land" data should be collected showing:

1. Sale prices of agricultural lands within or near the Forest, including stump lands, unimproved nontimbered lands, and improved ranches.

Uses of Forest land. Settlement.

2. Cost of clearing and stumping timbered lands.

3. Comparative value of timbered land for agricultural and forest purposes.

4. Any other data which will aid in formulating a settlement policy for the Forest.

The location of all uses, including Interior Department rights of way, which have been granted should be recorded on a base map of the Forest. Any information secured as to tracts desirable for particular uses should be similarly recorded, especially reservoir and dam sites, as part of the inventory of the resources of the Forest. Data on the value of uses to the permittee should be collected and recorded with the forest plan as a basis for the regulation of charges.

Special uses.

Special investigations of the power possibilities of the Forests, including stream measurements in cooperation with the Geological Survey and the collection of cost and market data will be conducted under the direction of the district forester in cooperation with the supervisors.

Water power.

All administrative sites designated as "selected" or "proposed" should be shown on the improvement map of the Forest, together with data indicating the use to be made of each site and the extent to which it has been improved. Sufficient additional data will be recorded to show in concrete form the system of administrative sites devised for the forest, including patrol and lookout stations, nurseries, and sites required for logging facilities and other uses in connection with the sale of timber.

Administrative sites.

WORKING PLANS.

A working plan is simply an extension and development of the preliminary plan, based upon more exact data. Such a plan should ultimately be prepared for every Forest as the need for a more systematic basis of management becomes urgent. Reconnaissance work should, except in unusual cases, result in working plans.

For what Forests first prepared.

Working plans will be prepared first on Forests where the demand for timber is great as compared with the supply, and where large quantities of timber are evidently mature and it is reasonably certain that sales can be made if the proper data are secured. It may be advisable to prepare special working plans for Forests on which large areas are in need of reforestation. Special grazing working plans may be prepared for Forests where the use of forage resources is of importance. Special problems in any other phase of Service work demanding careful study may require the preparation of working plans. Where conditions on a Forest differ widely, it may be advisable to cover only the part of a Forest to which the special administrative urgency applies.

Period of plan.

Each working plan will outline the general management of the Forest for a long period, usually a rotation in the recommendations on timber cuttings, and the management in detail for some such period as 10 or 15 years.

Detail in plan.

The amount of detail in the working plan will depend upon the value of the forest products concerned, the need for intensive methods, and the certainty or possibility of large returns within the probable life of the plan. On Forests or parts of Forests where the demand for timber equals or exceeds the amount which can be cut with safety, the plan for silvicultural management must be in much greater detail than where the demand is comparatively small. The requirements of detail in the different parts of the plan and in different working units must be adjusted to the administrative needs of the Forest in all lines of work.

Working plan conference.

When it has been decided to make a working plan, its essential features and the field work necessary should be outlined at a conference between the officer who will have charge of the field work, the supervisor of the Forest, the assistant district foresters concerned, and the district forester at his discretion. It is particularly necessary that the general system or systems of management be determined, and the methods for determining the yield of each unit be decided upon. Plans may then be made to secure the exact data needed and unnecessary work eliminated. Slight modifications which do not necessitate reprinting will, when necessary, be made in standard forms for these purposes. The preliminary plan for the Forest and working plans already prepared will form the basis for this discussion.

Method of obtaining data.

Field data will in general be obtained by special parties, which as far as possible should consist of experienced men. Under this system the results will be more accurate and uniform, and there will be less interruption to the regular Forest work and more rapid improvement in methods and results. As far as possible, the data for all parts of the plan will be collected at the same time, if necessary by specialists temporarily assigned to the party. The data for planting or grazing features may be collected independently when the need justifies it. The work will be done under the direction of the supervisor, and advantage taken of all assistance possible from his regular force, particularly men who have had special training in reconnaissance work on the National Forests.

Forest officers in charge of working-plan parties should use wide discretion in the data which are to be obtained. Data which can not be used for some definite purpose should not be secured, and every effort should be made to obtain all data which will be needed.

Only data needed obtained.

As far as possible all data in the working plan report will be tabulated with brief notes of necessary explanation. While working plans must be complete, every possible effort will be made to eliminate unnecessary discussion and to put them in concise form. All detailed data relating to climate, geology, soil, growth studies, silvical notes, etc., should be placed in the appendix of the working plan, and everything in the plan subordinated to the actual scheme of management for the Forest.

Tabulation of data.

All working plans will be referred to the office of silviculture in the districts and the branch of silviculture in Washington for the proper correlation of the parts. In each case the approval of the offices and branches in charge of the phase of the work under consideration will be secured.

Correlation of parts of plan.

Working plans will be approved by the Forester. Changes not affecting the general policy or the broad features will be approved by the district forester, with reference to the Forester of any points necessary under the administrative instructions.

Approval of plans.

The general ground to be covered by working plans is as follows:

Under "General administration" the topics listed for preliminary plans should be discussed with such further detail as more intensive study makes possible.

General administration.

Under "Silvicultural management" the topics listed for preliminary plans should be developed with much greater accuracy and in much greater detail. Special points will be emphasized and special data obtained in accordance with the administrative needs of the Forest.

Silvicultural management.

To secure uniform data from the National Forests in each district, the district forester will decide upon standard field methods. Standardization will include:

Standard methods in districts.

1. Methods of making estimates under specified conditions to secure results of uniform accuracy.

2. The unit for recording estimates in both surveyed and unsurveyed ground.

3. The minimum sizes to which timber will be estimated and a method of classifying reproduction and young timber below this minimum.

4. A scale for field and base maps and the conditions under which contour or hachure maps will be made.

5. The form and character of notes on silvicultural questions, forest descriptions, etc.

6. The principles upon which the silvicultural system, the rotation, the period for which management will be planned in detail, etc.

In each district also, to insure reasonable uniformity under similar conditions, a careful study will be made of the methods of determining the limitation of annual cut under each silvicultural system which will be used, and standard methods established.

Conclusions required in each plan. In the completed plan the data secured under each topic will be summarized and the conclusions stated. The following points are of special importance:

1. Silvicultural systems based on the most reliable silvical data available, and upon careful observations on the part of the working-plans officer.

2. A carefully drawn set of marking principles designed to put into effect the silvicultural systems recommended.

3. The maximum annual cut to be allowed during the ensuing 10 or 15 years, and the approximate cuts for each period of the rotation.

4. The order in which the important bodies of merchantable timber should be sold.

5. The order in which areas needing artificial restocking should be sowed or planted, and the acreage to be covered during each year of the period for which detailed recommendations are made.

Grazing. Under "Grazing," technical reconnaissance and special studies should be conducted, following the general ground covered under preliminary plans but with more detail and greater exactness, with such additions as the needs of the Forest warrant. Since detailed grazing reconnaissance is somewhat technical in nature, it should be directed as far as practicable by grazing experts.

Permanent improvements. The permanent improvement plan for the Forest should be considered and developed as far as may be practicable in connection with the intensive timber estimates and other investigations conducted by working-plan parties.

Forest protection. The protection plan for the Forest should be furnished to parties conducting working-plan investigations, and recommendations for its modification or extension, as far as may be found advisable, submitted by them to the supervisor.

Uses of Forest land. Working-plan parties should familiarize themselves with the portion of the preliminary plan dealing with uses of Forest land. Additional data should be secured as far as practicable in connection with timber estimates and other intensive field work. Recommended changes or improvements should be submitted to the supervisor.

ANNUAL PLANS.

The annual reports, estimates, and recommendations submitted on the various lines of Forest work should be based upon the preliminary or working plan for the Forest and should refer specifically to the portions of the plan dealing with the subject in question. They should show how far it is feasible to apply the plan to the work of the Forest during the current or ensuing year, the specific action proposed to put its provisions into effect, and the changes which appear advisable.

General administration. The annual allotment and appropriation estimates will be included, with such modifications as are necessary, in the portion of the plan dealing with general administration.

Silvicultural management.

Annual recommendations on maximum and minimum stumpage prices and limitation of yearly cut should be submitted to the district forester. These and the planting and nursery reports should refer to the portion of the plan dealing with silvicultural management and indicate any necessary changes in its application. Revisions of the cutting methods advocated in the plan and of other features of its silvicultural management should be submitted whenever they appear advisable, together with any additional data secured on estimates, logging costs, market conditions, etc.

Grazing.

The annual grazing report and recommendations constitute a concise restatement of the preliminary or working plan and its application to the business of the ensuing year. Additional data should be reported and necessary changes from the plan noted.

Permanent improvements.

In submitting the annual improvement estimates a copy of the improvement map of the Forest showing the plan as revised and extended to date and indicating the work of greatest urgency should be furnished the district forester.

Forest protection.

In connection with the annual fire report, the fire plan for the Forest should be checked over and necessary modifications noted. The annual planting and nursery reports should include a current revision and application of the portions of the protection plan dealing with rodents. Special reports and revisions of the Forest plan as regards protection from insects and diseases will be submitted from time to time on Forests where this work is of importance.

Uses of Forest land.

In connection with the current business and periodical reports relating to uses of Forest land, the preliminary or working plan should be steadily revised and extended and its data embodied in such recommendations on policy and current transactions as seem advisable.

FOREST EXTENSION.

POLICY.

Importance.

Reforestation, under methods demonstrated by successful experiments, is one of the most important duties of the Forest Service and forms a part of the regular work on each National Forest where it is undertaken, coordinate with timber sales, grazing, or permanent improvements. While special instructions covering such work will be issued from time to time and special assistance furnished by the district forester where advisable, the supervisor will be held responsible for the effective direction and execution of reforestation work as for any other activity on his Forest.

GENERAL METHODS.

Intensive experiments.

In every district, intensive experiments, with exact control of all factors, should be conducted at experiment stations and elsewhere to determine the best methods of reforestation applicable to the main types in the district where such work is necessary. These experiments will include tests with both native and exotic species. They should serve to check and develop the methods in use and as training schools for the men engaged in forest extension.

Direct seeding.

Direct seeding is, wherever practicable, the cheapest and most rapid method of reforestation. It should be thoroughly tested on the favorable sites in each district and extensively employed on areas when it is found to be successful. To secure the largest results possible in the actual extension of forest growth, direct seeding on sites where reasonable success by this method is assured will constitute the principal work of the Service in reforestation.

Planting.

The growing and planting of nursery stock will be carried on simultaneously with direct seeding where conditions require. This work will be directed with a view to ascertaining the comparative results of the two methods, the sites on which the greater success from the standpoint of cost and results will be obtained from each method, respectively, and the proper relation of the two methods in the future development of reforestation work.

Wild stock.

The use of wild seedlings in localities where they can be gathered and transplanted at a reasonable cost should be thoroughly tested, and developed in so far as the results, in comparison with other methods, warrant.

Partial reforestation.

On large burns or other areas where complete reforestation would necessarily proceed very slowly, the seeding or planting of plots scattered over the tract may be employed with a view to establishing small patches of forest from which natural reproduction will subsequently extend.

SELECTION OF AREAS.

Most favorable sites first.

Until more exact knowledge has been acquired and methods of greater certainty developed, reforestation work on any considerable scale should be restricted to areas where natural conditions are most favorable to success. The aim will be to develop successful methods on such areas, together with much more exact information as to their possibilities and limitations, and then gradually extend the work to less favorable sites.

Watersheds.

Within the restrictions stated above, watersheds used for municipal supply or irrigation should be given first consideration.

Timber production.

Reforestation for the primary purpose of producing timber may be conducted, however, where conditions are peculiarly favorable to cheap establishment and rapid growth, where the object lesson would be of special value, or where there is urgent local need for an additional supply of forest products.

Burns.

As far as possible immediate provision should be made for reforesting recent burns where natural reproduction can not be expected to take place, especially on sites naturally adapted to dense and valuable forest growth.

ORGANIZATION AND SCALE.

Concentration.

The reforestation work in each district and on each National Forest where it is undertaken should, as far as practicable, be concentrated upon a comparatively few projects with reference to most favorable areas for success, minimum cost per unit, and best possible supervision. Small nurseries and small seeding or planting projects whose primary purpose is to inform and interest Forest officers may be conducted where no additional cost to the Service is involved. Aside from such projects and from work of a purely experimental character, reforestation should in the main be centered upon comparatively large, carefully planned, and well-supervised pieces of work on the most favorable sites.

Seed collection.

The collection of as large quantities of seed of desirable species as can be obtained at a reasonable cost will be part of the regular summer and fall work in each district. This work should be concentrated upon areas where seed of the species (and from the locality) desired for the sites on which reforestation is to be conducted can be gathered at the lowest cost. Extensive collection should not be attempted in seasons when the cost of the seed will, on account of the poor crop, be excessive, or when seed of the species desired for concentrated work on the more favorable sites can not be obtained.

In seasons when large seed crops of desirable species are produced and cheap collection on an extended scale is possible it will often be desirable to concentrate largely upon this work and collect sufficient seed for two or more years ahead. The slight loss in the fertility of stored seed will be more than offset by the reduced cost of collection under such conditions.

Nurseries.

Nurseries should, as a rule, be of a size sufficient to produce not less than a million seedlings per annum. Exceptions may be made in cases where specific isolated areas, which can not be supplied from the main nurseries, must be furnished with smaller amounts of stock grown near the planting sites and under similar climatic conditions.

Field seeding and planting.

Aside from purely experimental work, field seeding and planting operations should, as far as possible, be concentrated, at least to such an extent as will eliminate disproportionate overhead charges for supervision, travel, and the like, and make the cost records applicable to future work planned on an extensive scale.

Checking results.

It is of special importance that the results of all reforestation operations be closely studied in the field by district and forest officers to ascertain the reasons for success or failure and enable the experience gained to be intelligently applied to future work. Detailed periodic inspections should be made and their findings incorporated in reports to the district office.

PLANS AND REPORTS.

Forest plans.

Planting plans, included under "Working plans," will be prepared for each Forest and will indicate specifically the extent of the annual planting and seeding which is recommended.

Such plans will be revised each year and the recommended changes submitted with the annual forest plan.

Nursery plans.

Nursery plans, included under "Working plans," will be revised and submitted annually by the supervisor with the annual forest plan. They should be accompanied by the nursery reports.

District plan.

The district plan, which will be compiled from the forest and nursery plans, will be submitted annually to the Forester.

SEED COLLECTING.

Conditions for collection.

A careful examination of extensive bodies of timber is necessary to determine the abundance of the crop and the best localities for collecting. Since cones are much more liable to be affected by insects during "off years," they should be examined before arrangements for collecting are made by peeling off the scales with a sharp knife, cutting toward the apex of the cone. The fertility of the seed can also be determined in this way.

Time for collecting.

The best results can only be obtained by planning and arranging the work early in the season and by organizing it on a sufficient scale to insure completion while the weather is still good and before slow and expensive artificial drying becomes necessary.

Before collecting, it is necessary to determine if the seed is ripe. Since the external appearance of the cones can not be relied upon, the seed itself must be examined. As long as the seed is soft and milky it is still immature. Cones of the same species ripen first at the lower altitudes. Heavy frosts, followed by warm days, mate-

rially hasten the ripening and consequently lessen the time for collection. It is therefore imperative that the equipment be obtained in advance and that the work be expedited in every way possible so that it will be completed before the cones open and before bad weather makes drying difficult or impossible.

Methods of collecting.

Cones may be collected from felled or standing trees and from squirrel caches. Trees should not be cut unless they can be profitably disposed of. Where no cutting is being done and no better method can be found, seed may be obtained from standing trees. The cones can be picked or stripped off by hand or cut from the branches by a heavy knife or pruning shears.

Cones can be obtained easily and economically from squirrel caches, which are generally in the denser stands of timber, either along small streams and wet places, in water and muck, under bushes and fallen tree tops, and along rotten logs.

When extensive collecting is undertaken, it is often advisable to use several or all of the above methods. It is usually cheapest to collect cones by contract at a stipulated price per hundredweight or bushel.

Drying cones.

If cones which open easily are collected early, and good drying weather prevails, it is unnecessary to use artificial heat unless the work is unavoidably delayed. Such cones should, after being thoroughly cleaned of dirt and needles, be spread thinly upon canvas sheets or burlaps and allowed to dry in the sun in open places with southern exposure. After the soil becomes cold and wet a raised platform for the canvas is necessary.

Artificial methods.

It is generally necessary to dry resistant cones, like those of lodgepole pine, by artificial heat. A suitable building should be selected or constructed with tiers or trays from 8 to 10 inches apart arranged around the inside of the room. The trays should be constructed with screen bottoms having a suitable mesh through which the seed can drop upon a canvas sheet on the floor. The temperature of the room should be maintained at 120° to 140° until the cones have opened. Partial ventilation to carry off moisture is necessary.

Extracting seed.

With the less resistant species a vigorous shaking of the opened cones in a screen tray or a thorough raking is sufficient to separate the seed. With the more resistant cones, especially if large quantities are to be handled, a revolving "cone shaker" should be constructed from rough lumber or a dry-goods box, about 4 by 3 by 3 feet, provided with a door and with openings covered by wire screen having a mesh of sufficient size to permit only the seed to pass through. Slats may be nailed lengthwise inside the apparatus, or loose blocks of wood included with the cones, to increase the jarring effect. Trampling the cones is liable to injure the seed.

Cleaning seed.

The best method of separating the wings from seed is by briskly rubbing a small quantity in a tray, with a bottom of $\frac{1}{4}$ or $\frac{1}{8}$ inch mesh wire screening suited to the size of the seed. Seed should not be beaten or rubbed so violently as to crack the coats. A fanning mill fitted with screens of suitable size is one of the best means of winnowing. When this is not obtainable, good results can be secured by slowly pouring the seed from one box

to another in a current of air. Broken leaves and cone scales can be removed by the use of wire screens with different sized meshes. The final process of cleaning can be greatly facilitated if the cones have been screened before drying begins, to remove needles and other foreign matter.

Shipping and storing.

Seed should be expressed in strong sacks boxed or crated. Labels with the following information should be placed inside the sacks: Species, name of Forest, elevation, date, and total cost per pound.

For storing, seed should be placed in bags or sacks and hung in a cool, dry place or, better still, in sealed jars. Necessary precautions should be taken against rodents.

DIRECT SEEDING.

Selection of sites.

The success of reforestation regardless of method depends upon the suitability of the site. The most favorable sites should uniformly be chosen. As a rule, higher altitudes are more favorable for forest growth than the foothills, northerly exposures than southerly exposures, and areas upon which timber has grown than those which are naturally treeless. Areas with deep, loose soil covered with some kind of woody growth, like aspen or brush, except chaparral, are more favorable than those with compact soil and without protective cover. Recent burns, with or without protective cover, are, however, good reforestation sites.

Sites should as nearly as possible be representative of the forest type of the species which it is intended to sow, in respect to soil, altitude, aspect, and moisture.

Marking sites.

Sites will be clearly marked by blazed trees, substantial posts, or piles of stone. Boundary trees or posts will be inscribed P–1, P–2, P–3, etc., according to the number of the plantation. Each season's work will be marked off by stakes inscribed A, B, C, etc.

Broadcast sowing.

Broadcasting without previous preparation of the soil will probably be successful only under especially favorable circumstances, such as on actual forest land, where the soil is loose and moist near the surface and some protection is afforded the young trees against heat and drought. Burned areas covered with down timber or a light brush cover are most favorable for broadcasting without preparing the ground or covering the seed. When denuded forest land is sufficiently open the soil should usually be prepared by scarifying with some kind of a harrow previous to broadcasting.

The area to be sown should be carefully selected, laid off preferably in strips, and substantially marked. The amount of seed to be sown on each strip should be weighed and one strip sown at a time. Medium-sized seed like yellow pine or Douglas fir can be sown by hand. In case of small seed like lodgepole pine, a mechanical seed sower is preferable. In the case of very small seed, such as larch and Engelmann spruce, it may be advisable to mix the seed with fine earth in order to sow more evenly. The sower should go over the area in parallel courses, using one-half of the seed. He should then cover

the area at right angles to his previous course and sow the remaining half. In this way equal distribution of the seed is assured. Any surplus should be sown upon the more favorable parts of the strip.

Seed-spot sowing.

Under this method seed is sown in selected spots which are prepared for its reception. Since some of the seed may be eaten by mice or fail to germinate, liberal sowing in each spot is necessary. This method has the following advantages over broadcasting: The most favorable spots on each site can be selected; the seed is sown on prepared ground and may, if desired, be promptly covered; a comparatively small quantity of seed is required; and the results of the work can be readily determined.

Sowing with a corn planter.

Sowing with a corn planter is an adaptation of the seed-spot method, applicable especially to areas with comparatively exposed soil. It is cheaper than the seed-spot method, since no previous preparation of the ground is necessary. The number of seeds thrust into each hole made by the corn planter can be easily regulated and the earth pressed over them with the foot.

Time of sowing.

Where the snowfall is heavy and remains upon the ground until late in the spring, it is generally best to sow in the fall, since the seed will become covered more fully with litter and soil during the spring thaw and have a chance to sprout early and produce a strong plant before the summer drought begins. If seed is not available for fall sowing it may be sown by broadcasting in winter or early spring upon the snow on sites previously selected and marked. To obtain the best results in spring sowing by the seed spot or other methods, it is necessary to sow immediately after the snow disappears.

PLANTING.

Care of seedlings.

As soon as a shipment of trees is received they should be examined to determine their condition. If the covering around the roots is becoming dry, it should be moistened at once.

Heeling in.

The trees should be removed from the bundles and, unless planted immediately, should be heeled in on or near the planting sites. A cool, shaded situation should be selected with a moist soil fairly free from rock and coarse gravel. A trench should be dug from 10 to 15 inches deep, with one side slightly sloping toward the north. The trees should then be spread along the sloping side, not more than two or three deep, with the foliage and a short length of stem above the ground surface. To insure uniformity in covering, the roots should be well straightened out and evenly placed in the trench. Fine earth should be packed firmly about the roots, leaving no air spaces, and should be kept moist. Other layers of trees may be set parallel to the first row, but there must be at least 4 inches of earth between the rows. To prevent exposure to intense sunlight, the tops should be shaded with brush or sacking.

Spacing.

In field planting, four by four feet to six by six feet are the spacings generally used. The roughness of the planting site and the necessity of putting each plant in the best possible location will often prevent regular spacing; but uniformity is desirable whenever possible.

Time for planting.

Planting should be done in the fall or in the spring before growth begins. In regions where there is a rainy and dry season planting should usually be done at the beginning of the rainy season, as soon as the soil is sufficiently moist and there is a reasonable probability that it will remain so. To prevent growth starting before time for planting, the seedlings should be kept in snow pits or other cool places.

On all sites seedlings should be planted where the soil is the best and where they will be protected from evaporation, as on the northeast side of stumps, bowlders, or brush.

NURSERIES.

Selection of sites.

Since nurseries are necessarily more or less permanent, the greatest care must be exercised in selecting sites. The following points must be considered: Proximity to the planting sites; facilities for shipping to near-by forests; acreage, soil, surface, slope, aspect, elevation, water supply, etc. An altitude at which the largest mixture of forest trees is found and at which most of the important planting types blend is well suited for a nursery. This is usually on real timberland at the lower edge of the actual Forest. A deep, rich, well-drained sandy loam with an admixture of gravel is the best soil. It is exceedingly important that sites suitable for large nurseries be selected and held in reserve for future use.

Preparation of ground.

Nursery sites must be cleared of trees and rocks and the soil broken up, harrowed, leveled, raked, and worked like a garden before seed beds are made. It is often necessary to fertilize heavily with fine well-rotted manure, especially if the soil has been cropped. The beds are usually 6 feet wide and of any convenient length. To insure drainage, they should be raised from 2 to 3 inches above the paths. The paths are usually 18 inches wide.

Seed sowing in nurseries.

The seed may be sown either in drills from 4 to 6 inches apart or broadcast upon the beds. The latter method is preferable, because it produces a much larger number of seedlings from the same area. If sown in drills and by hand, the drills should run across, or if by a drill seed sower, lengthwise of the beds. Machine sowing is preferable in large nurseries.

Time of sowing.

Sowing should ordinarily be done in the spring, about the time when early garden seed is planted in the locality. If done too early, while the ground is still cold and wet, germination will be slow and many of the seeds may rot.

Depth.

Seed should be very carefully covered, since if the cover is too shallow they may wash out and if too deep they may either rot or lie over until another season. A safe rule is to cover small seeds to a depth of about twice their diameter.

Covering.

Firming the bed with a board will prevent the soil from washing when watered. Immediately after planting it is well to cover the beds with a very thin mulch of leaves, moss, needles, or burlap. This keeps the surface moist and hastens germination. The mulch should be thin and light enough to allow the seedlings to break through the surface or, if heavier, should be removed when germination takes place. The material used should

be free from weed seeds. Water in limited quantities should be applied even to mulched beds.

Quantity of seed required.

Enough seed should be sown to provide 30 to 50 plants to the running foot of drill at the end of one year or to produce 250 to 350 seedlings to a square foot in broadcasted beds. Seed of low germination per cent, such as firs, larches, and cedars, should be sown thickly, and species with a higher germination per cent, such as pines and spruce, should be sown more sparingly. Wherever possible, actual germination per cents should be used to determine the exact amount to sow.

Shade.

In practically all situations conifers require partial shade for the first year. This must be supplied artificially in nurseries by covering the seed beds with screens of lath or shakes. Brush may be used for a temporary shade. The shade frames should be supported on stakes from 18 to 24 inches above the surface of the beds and set about 3 feet from each end of the frame. A crosspiece of inch material should connect the stakes on opposite sides of the bed. In semiarid regions or where material is cheap and plentiful a lath house is the best method of shading. One can be constructed by setting posts about 12 feet apart, connecting them at the top, which should be about 7 feet above the ground, with 2 by 4 inch stringers and covering the entire structure with lath or woven-lath fencing. When lath or woven-lath fencing can not be secured readily, brush or light poles may be spread over the framework until half shade is produced.

Care of seedlings. Damping off.

All conifers and some broadleaf species while in the seed beds are subject to damping off, which often destroys a large per cent of the seedlings. It is caused by a fungus which attacks the young plants near the surface of the ground. Dry sand, charcoal, or fine gravel spread on the beds will often check the disease. The proper application of water to the seed beds before and after germination is particularly important. The soil should be kept uniformly moist from the time the seed is sown until the seedlings are a week or 10 days old. After that water should be applied less frequently, though the soil should never be dry enough to powder when dug up. When irrigation is inadvisable, water should be applied with a sprinkling pot or hose and the soil should be thoroughly wet each time. Watering should be done early in the morning or late in the afternoon. Shade frames should remain over the seed beds, except during damp, cloudy days. In localities where heavy rains are followed by high temperature the frames should be raised or removed as soon as the sunshine disappears from the seed beds and kept so until the sun appears the following morning. The drying of the soil may also be hastened by cultivation. This should not be neglected, since proper drying and airing of the soil after rain checks damping off. The same method for drying out the soil should be followed if water has been applied excessively.

Watering.

Cultivation.

Seedlings should be cultivated often, in order to prevent weeds from starting, stimulate growth, prevent damping off, and keep the soil in good condition. Cultivation, which can be done either with a narrow hoe or with a small rake made of nails, should be shallow and should pulverize the soil thor-

oughly. It should be done after rains or whenever the soil shows signs of baking or drying.

Protection in winter.

Where winters are severe, it is advisable to mulch the seed beds to protect the seedlings from injury by cold or drying winds, as well as to keep the ground from heaving in the spring. Where snow lies all winter, mulching is unnecessary. Any substance, such as leaves, straw, or moss, which is free from weed seed, placed in a layer from 3 to 4 inches deep, is suitable. The mulch can be held in place by laying sticks or strips of boards across the beds between the rows. It should be removed at the beginning of the growing season.

Transplanting.

In the spring, when the soil is in good workable condition, but before a new growth begins, evergreen seedlings when 1 or 2 years old should, in some cases, be transplanted to open nursery rows. Transplant beds should be near the seed beds and on good soil which has been thoroughly prepared. Transplant beds should be slightly elevated, 6 feet wide, and of any convenient length, with rows 8 inches apart running across the beds. The seedlings should be set free from 2 to 4 inches apart in the rows, the exact distance depending upon the size of the plants. In transplanting the roots of the seedlings should not be allowed to become dry, since even a short exposure to sun or air will be fatal. They can best be carried roots downward in a pail containing 4 or 5 inches of water.

PROTECTION AGAINST RODENTS.

Importance.

Great damage is done by mice, wood rats, squirrels, chipmunks, gophers, and rabbits in nurseries, seeding areas, and young plantations. Before establishing a nursery or plantation or seeding denuded areas, therefore, the presence of destructive rodents should be carefully investigated.

Cost.

The cost of the protective method adopted must be worked out in detail, as it may be found upon investigation that really effective protection will cost more than the results justify, and that it will be preferable to abandon the project and select a new site in a less infested locality.

Fencing.

For the protection of nurseries against rabbits a small-mesh chicken-wire fence may be used. This should reach at least 3 feet above ground and one-half foot below. The portion below the surface should be bent in toward the ground to be protected at an angle of 45°, so that the burrowing animal will come up against it diagonally when trying to reach the surface.

Traps.

Many types of traps for catching rodents are in use. Forest officers engaged upon such work should fully investigate their effectiveness. Information concerning special kinds of traps may be secured from the Biological Survey upon application through the Forester.

Poison.

The best results in the extermination of rodents have been obtained from the use of poison. The following formulas and directions are recommended by the Biological Survey after a series of experiments in the field:

For ground squirrels.

During the growing season, when there is an abundance of green food, green or ripening barley or wheat heads should be used; later, after the crop is harvested and the dry season sets in, whole barley or wheat may be used as follows:

Grain	20 pounds.
Strychnine (pulverized)	1 ounce.
Saccharine	1 teaspoonful.
Water	1 quart.
Starch	2 ounces.

Soften the starch in the water, which should be cold, or nearly so, then heat to boiling, stirring the mixture as the starch thickens. Add the strychnine and saccharine, and mix thoroughly. Pour slowly over the grain (mixing continuously) until the heads or kernels are evenly coated. In this case barley is preferable to wheat, as ground squirrels take it quite as freely as they do wheat, and it is less likely to be eaten by birds. The mixture should be scattered along runways and about a teaspoonful placed in the entrance to each hole.

For gophers.

Gophers may be readily destroyed by means of strychnine applied to sweet potatoes, parsnips, carrots, or soaked corn, chopped to the size of small marbles.

Roots or corn	1 bushel.
Strychnine (powdered)	1 ounce.
Starch	2 tablespoonfuls.
Water	1 quart.

Prepare this bait in the same manner as for ground squirrels, taking care to see that the poisoned starch is evenly distributed. If corn is used, it should be soaked until soft—the process can be hastened by heat—then the surface of the kernels allowed to dry before the starch mixture is applied to avoid excessive moisture.

By means of an iron rod the burrows of gophers may be located near their mounds. Through the holes thus made about a tablespoonful of the bait should be introduced into each burrow. The holes need not be covered. Gophers are most easily poisoned when the ground is damp. Not only are they less active in the dry season, but dry crumbling soil renders it difficult to place the poison properly in the runs, under which conditions traps should be used.

For mice and chipmunks.

The following preparation has been used with good effect in the destruction of mice and chipmunks:

Strychnine	1 ounce.
Saccharine	¾ teaspoonful.
Laundry starch	½ cupful.
Water	1 quart.
Barley	20 pounds.

Dissolve the strychnine and saccharine in the water by boiling; stir in the starch after having softened it in cold water, and continue boiling until the solution thickens; mix thoroughly with the grain until the kernels are all coated. The mixture may be used at once or dried and kept for future use. It should be distributed in cavities among small piles of stones, under roots, or under pieces of bark or flat stones raised an inch or so off the ground in order to keep it out of reach of birds. The baiting places should be numerous and only a small quantity left in each.

The following formula for poisoning small rodents has also been found very successful in direct seeding in the Black Hills:

Wheat	1 bushel.
Tallow (preferably mutton or beef)	1 quart.
Strychnine sulphate	2 ounces.
Saccharine	2 teaspoonfuls.

Warm the wheat as much as possible without burning it. Pour on the tallow melted and stir until thoroughly mixed. Pulverize the strychnine completely, add this and the saccharine to the wheat while still warm, and again mix thoroughly. The poisoned grain can be spread by men walking on parallel lines about 15 feet apart and dropping from 10 to 15 grains every 3 or 4 feet. Distributed in this way, a bushel of wheat will poison about 40 acres. Poisoning should be done at least a week in advance of sowing and when the weather is dry, so that the poison will not be washed off.

For rabbits.

Both cotton-tail and jack rabbits take poisoned bait more readily in winter or early spring than at other seasons. For rabbits the following preparation has been found effective:

Young shoots of alfalfa or green twigs from fruit trees or native brush, cut into 2 or 3 inch lengths	15 pounds.
Water	1 gallon.
Strychnine sulphate	1½ ounces.
Saccharine	½ teaspoonful.

Dissolve the strychnine and saccharine in the water and allow it to cool. Press the alfalfa shoots or twigs into the solution until covered and allow them to steep three or four hours. This bait should be scattered in small heaps, a few hours before sundown, along the runways or about the area to be protected.

Red lead and coal tar.

Coating the seeds themselves with red lead has so far not proved an efficient protection. Further experiments on a small scale in the use of red lead, and also in coating seeds with coal tar, are, however, desirable.

Cooperation with the Biological Survey.

When the damage done by rodents becomes serious and the methods of extermination used are unsuccessful in reducing their numbers below the danger point, the Forest officer in charge should report the matter in detail to the supervisor. The supervisor will submit a report in triplicate to the district forester, who will forward the original and one carbon to the Forester for transmittal to the Biological Survey. The Biological Survey will reply in triplicate through the Forester and district forester, each of whom will retain a carbon copy of the reply. Specimens of the species causing the trouble should be secured for positive identification. The skin of the animal, with the skin of the head, feet, and tail left on, should be thoroughly salted with fine salt and dried; the skull should be roughly cleaned by carefully cutting off the larger muscles and removing the tongue, and the brain removed by a slender stick or bent wire. The skull should be labeled with a tag numbered to correspond with a similar tag attached to the skin. The skull should then be hung up until dry. Great care should be used to avoid breaking the skull, since the proper identification of the species may depend upon its being unbroken. When the skin and skull are dry, they should be forwarded directly to the Biological Survey, accompanied by a statement as to the date and place of collection, name of collector, and proper reference to the report on the matter.

FOREST INVESTIGATIONS.

Importance.

Forest investigations of a thorough and systematic character and conducted with scientific accuracy form an important part of the work of the Forest Service, both as a means of building up the science of forestry in the United States and of directly assisting and improving the administration of the National Forests. The assistance and cooperation of all members of the Service in conducting investigations are essential.

Service organization.

As far as practicable the investigative work of the Service will be directed by a central committee in the Washington office, to be designated by the Forester, working in cooperation with the respective branches. A specialist in investigative work shall act as chairman of the committee, and shall, subject to its recommendations and the direction of the Forester, review all plans for investigative work, correlate the projects proposed by the different branches and districts, and exercise general supervision of the work initiated in the districts and under the Washington office. The central committee will take action through recommendations submitted to the branch chiefs. Differences in judgment between the committee and the branches will be submitted to the Forester for decision.

District organization.

As far as practicable the investigative work in each district will be directed by a district committee, to be designated by the district forester, working in cooperation with the chiefs of the respective offices. A specialist in investigative work shall act as chairman of the committee, and shall, subject to its recommendations and the approval of the district forester, review and correlate all projects for investigative work in the district, devise methods for carrying out general plans initiated by the central committee, and exercise general supervision of the work done under the various projects in the district. Action will be taken through recommendations submitted to chiefs of office.

Kinds of investigative work.

The general kinds of investigative work which will be conducted in the districts are: General silvical studies, experiment stations, special silvical studies, studies of range improvement, studies of insect infestations, studies of tree diseases, investigations of methods and results of wood preservation, of forest products, and studies of general market conditions.

Preliminary plans.

Before any investigative project, including studies conducted on all National Forests, is undertaken a plan of work covering its purpose, scope, relative value, approximate cost, and the results of previous studies, which will be utilized, will be prepared and approved with such modifications as may be necessary by the district forester or branch chief concerned and by the district or central committee.

GENERAL SILVICAL STUDIES.

Silvical description.

On each National Forest a complete silvical description of the forest types and characteristics of the species composing them should be worked up and extended from time to time. The following ground should be covered:

I. The Forest.

1. A complete list of trees, giving the scientific names and all common names in use.

2. A complete list of shrubs.

3. The fundamental forest types into which the Forest is divided and the factors which differentiate them (climate, exposure, topography, altitude, soil, etc. The proper basis for separating forest types is the physical conditions of the locality, and not the composition or age of the stand or any other variable condition.)

4. General silvical description of each type, to include:

(*a*) Its approximate proportion in the Forest.

(*b*) Its physical conditions of site, such as climate, soil, altitude, topography, exposure, etc.

(*c*) Its forestal characteristics, such as composition, interrelation of the various species, even or uneven aged stands, ground cover, humus conditions, etc.

(*d*) External influences which are operative in the type, such as fires, grazing, storms, etc.

(*e*) Recommendations for the silvicultural management of each type.

(*f*) The division of each type into subtypes on the basis of differences in composition, age, etc., and the presence of temporary types, discussing the cause and future of each temporary type.

II. The Species.

1. Habit: Average mature and maximum diameter and height. Form of crown and bole at different ages. Root system at different ages and under different conditions.

2. Occurrence: Distribution throughout the Forest and the effect of altitude, exposure, soil, atmospheric and soil moisture, and other factors, in limiting its distribution; the species with which it is commonly associated.

3. Soil and moisture: Preference of each species as to soil. Requirements in regard to soil and atmospheric moisture. Arrange the species in order of their demands for soil quality and soil moisture.

4. Tolerance of shade: Tolerance of each species at different ages. Compare its tolerance with that of its important associates by means of a scale of tolerance. Discuss its ability to grow in dense shade, in dense stands, and to recover from suppression.

5. Growth and longevity: Rapidity of height and diameter growth of all species. Compare with associates. Give growth tables when possible. Average age to which each species remains sound and vigorous. Maximum age recorded.

6. Reproduction: (*a*) Seed production—Abundance of seed production and frequency of seed years. Method of seed dissemination. Time at which seed is disseminated. Agencies which destroy seed and decrease its vigor.

(*b*) Seedling development—Time of germination and appearance of seedlings. Conditions which are favorable or detrimental to germination and early development of the seedling.

(*c*) Sprouting—From stump, root, or both; vigor and permanence of sprouts.

7. Susceptibility to injury: Effect of wind, frost, lightning, fire, etc., on each species. Effect of grazing, giving the nature of the benefit or injury. Liability of the species to attack by fungi and parasitic plants, discussing fully any special instances of vegetable parasitism. Liability to insect attack, discussing fully any special instances of insect infestations. Injurious and beneficial effects of animals and birds.

This general study on each Forest should be conducted by the forest assistant with the cooperation of other members of the force. It should be cumulative, the results recorded being corrected or extended as additional data are secured. Its aim is to make available in concrete form on each Forest all of the silvical information accumulated by the members of the Service working upon the Forest. The forest assistant or other officers on the Forest may be called upon from time to time by the district forester to submit reports, either embodying all of the general results secured to date or dealing with special topics under the general study.

Cut-over Areas.

Cut-over areas.

Studies of cut-over areas should be conducted as far as practicable on every Forest where timber sales have been made. Their object is to determine the best methods of management to use in different types in order to secure natural reproduction and the maximum production of wood. Records should therefore be kept of as many areas as possible in different types which have been cut under different systems of management. Such studies should be conducted by any competent man, although special attention should be paid to them by the forest assistants.

The following outline should be covered:

(Case designation and date of examination.)

1. Original cutting area: Location, date, altitude, slope, soil, ground cover, forest (age, conditions, special features), method of cutting, stand left, burns, grazing, brush, reproduction.

2. Results of cutting: (*a*) Soil changes—Duff, litter, underbrush, grass, erosion.

(*b*) Stand changes—Growth, windfall, death, insects, fire, grazing.

(*c*) Reproduction—Increase, species, distribution, damage, inferior species, seed production (seed trees).

(*d*) Miscellaneous—Stream flow, range conditions, etc.

Ordinarily the forest description contained in Form 578a accompanying the timber sale will be sufficient, but should be supplemented whenever necessary. Since the cut-over area reports are filed separately, they should be accompanied either by the original forest description or a reference to it. This portion of the report will be necessary only in the first examination. Subsequent examinations should be made as often as necessary to follow closely all changes that take place on the area, usually at intervals of not more

than three or four years. Reports on these examinations may be called for as deemed advisable by the district forester.

Reports on current methods.

The district forester may, as he deems advisable, call upon forest assistants or other officers for special reports dealing with current methods of marking, estimating, brush disposal, seed collection, combating insect infestations, and other matters of a technical character.

Small Forest experiments.

Small experiments, initiated by the supervisor or other Forest officers, in silvical investigations, reforestation, range improvement, and the like, whose primary object is to inform and interest the field force and which are conducted at slight cost under the regular Forest allotments, are encouraged.

EXPERIMENT STATIONS.

Stations for intensive investigations, including long-time experiments and the development of methods of exact research, will be established from time to time on selected Forest areas. Such stations will form an integral part of the investigative work of the district and will be under the direction of the district forester. Substations, conducting studies similar to those at the main station and under the direction of the officer in charge of the main station, may be established as far as necessary to include a range of forest conditions typical of the entire district.

Relation to supervisors.

The Forest officer in charge of the experiment station will have the same relation to the district forester as a supervisor, and will report directly to the district forester. He will have no authority in the administration of the National Forest, excepting areas withdrawn for experimental purposes. The supervisor will have no jurisdiction over experimental areas aside from furnishing the necessary protection. Areas to be used for experimental purposes will be withdrawn only upon mutual agreement between the officer in charge of the station and the supervisor. In case of disagreement, the matter will be referred to the district forester for settlement.

Cooperation.

The experiment station should cooperate fully with other bureaus of the Government, and with private institutions and individuals, at the discretion of the district forester.

Subjects for study.

The investigative work conducted at experiment stations covers three main groups of problems: Forest problems proper, including individual tree studies and stand studies; problems concerned with the indirect influences of the forest; and problems concerned with artificial reforestation.

Tree studies.

Individual tree studies will embrace chiefly investigations of the silvical characteristics of different species, such as habitat, light, moisture, and soil requirements, form and volume, growth, reproduction, phenology, and enemies and diseases. The requirements of trees should be studied not only by general observations, but by actual measurements of the physical factors affecting their growth, and the results should be expressed, as far as possible, in absolute figures.

Studies of stands must be largely studies of types, their origin, characteristics, development, and permanence. They should include the preparation of yield tables and studies of various methods of improvement and reproduction cuttings. The aim will be to produce in each type characteristic of the region a model forest. These model forests should be used for experimental purposes and to demonstrate methods applicable in timber sale management.

Stand studies.

Studies of the indirect influences of forests should include thorough investigations of the effects of forests upon meteorological conditions, temperature, humidity, precipitation, evaporation, and wind velocity, and upon run-off and water supply.

Indirect influences.

Special emphasis should be given to exact studies of the conditions involved in the reforestation of denuded areas, such as soil moisture, evaporation, seasonal conditions, presence of rodents, and the like, and to intensive experiments calculated to develop the best methods applicable to the various types in the district.

Artificial reforestation.

SPECIAL SILVICAL STUDIES.

Special investigations, covering the entire district or an individual Forest or group of Forests, will be conducted to supplement the work of the experiment stations. They will be of the same general character as the studies prosecuted at the stations and will be made under the general supervision of the district forester either by men assigned to Forests under the direction of the supervisors or by specialists detailed from the district office.

RANGE IMPROVEMENT.

Studies of range improvement will be conducted either in connection with experiment stations or as special projects initiated by the Forester or the district forester. They embrace the restoration of depleted ranges to normal or maximum productivity, the development of ranges through the introduction of better forage plants, and the most economical utilization of forage crops. Such studies should be reviewed by the district committee and correlated as far as practicable with silvical investigations conducted upon the same types, but will be under the immediate direction of the district chief of grazing or of grazing experts. The general plan for each project which involves a study of plants and grasses must be approved by the Bureau of Plant Industry through the Forester before the work is begun. Specimens of plants and grasses may be sent to the Forester for identification by experts employed jointly by the Forest Service and the Bureau of Plant Industry.

Cooperation with the Bureau of Plant Industry.

INSECT INFESTATIONS.

Studies of insect infestations will ordinarily be made by experts of the Bureau of Entomology in cooperation with the Forest Service. They may, however, be included in the subjects assigned to men detailed to make special investigations or to Forest officers for report.

Cooperation with the Bureau of Entomology.

Insect damage—ranger's procedure.

When a ranger or other Forest officer discovers the work of harmful insects which are a menace to the Forest, he will report fully by letter to the supervisor. He will also, if practicable, obtain several specimens of the insect and send them securely packed to the supervisor, together with a small section of the part of the tree infested. If the damage is caused by bark beetles, the section should be large enough to show the form of the galleries.

Supervisor's procedure.

The supervisor will satisfy himself as to the extent of the attack by a personal field inspection, or by a report from some competent Forest officer, and submit a report in triplicate to the district forester. If there is a field agent of the Bureau of Entomology in the district, the matter will be taken up with him through the proper channels. He will, whenever possible, personally investigate the infested area and recommend methods for controlling the attack.

If there is no field agent of the Bureau of Entomology in the district, or if the immediate advice of the Washington office of the bureau is desired, the district forester will add his recommendations to the supervisor's report and forward the original and one carbon of the report to the Forester for transmittal to the branch of forest-insect investigations in the Bureau of Entomology. The Bureau of Entomology will reply in triplicate through the Forester and district forester, each of whom will retain a copy of the reply. The Forester will authorize the necessary action, while the application of the recommendations made by the Bureau of Entomology will be carried out under the direction of the district forester. Specimens of insects and their work should be sent by the supervisor directly to the district field agent or to the branch of forest-insect investigations in the Bureau of Entomology, as the case may be, and should be accompanied by a statement as to the date and place of collection, name of collector, species of tree attacked, and proper reference to the report on the matter.

In the case of large infestations special arrangements will be made for cooperation.

TREE DISEASES.

Cooperation with the Bureau of Plant Industry.

Studies of tree diseases will ordinarily be made by pathological experts of the Bureau of Plant Industry in cooperation with the Forest Service. They may, however, be included in the subjects assigned to men detailed to make special investigations or to Forest officers for report.

Procedure.

Where large blocks of timber are threatened with damage by disease, the same procedure will be followed as outlined for "Insect damage," except that specimens and reports will be referred to the consulting pathologist, if there is one in the district, or, if not, to the office of investigations in forest pathology, Bureau of Plant Industry, Washington, D. C. All specimens should be accompanied by a statement as to the date and place of collection, name of collector, name of the tree on which the specimen was found, and proper reference to the report on the matter. Fleshy fungi, which are likely to decay in transit, should either be thoroughly dried before being sent, or should be sent in some preserv-

ative liquid such as alcohol or vinegar. Specimens should be sent by mail whenever possible, otherwise by express, charges collect.

The district forester after consultation with the consulting pathologist, or the Forester after consultation with the proper official of the Bureau of Plant Industry, will issue instructions and authorize the necessary action.

FOREST PRODUCTS INVESTIGATIONS.

Correlation with other studies.

Studies in forest products, including wood preservation, utilization studies, and general market investigations, are covered in the Products section of the Manual. Such studies will be conducted under the immediate direction of experts in products but should be reviewed by the district committee and correlated as far as practicable with other investigative work.

REPORTS.

Experiment station—annual.

The Forest officer in charge of each experiment station will submit to the district forester during January a full annual report in duplicate upon the work of the station, together with plans for the coming year. He will also from time to time submit such other reports and plans as may seem to him advisable or be required by the district forester. A copy of the annual report and of other reports of special importance will be sent to the Forester.

District—annual.

The annual silvical report of the district to the Forester is due in February. This report should consist of a brief summary of the important silvical projects undertaken and the results obtained at the experiment stations and elsewhere, and an outline of plans for future work.

Reports from Forests.

All investigative reports from Forests should be prepared in quadruplicate. One copy should be retained by the supervisor and three copies forwarded to the district forester, who will in turn forward a copy to the experiment station and one to the Forester in case the report is of sufficient importance to make this advisable.

Reports from experiment stations.

All reports from experiment stations will be forwarded in duplicate to the district forester, who will send one copy to the Forester.

Card records.

A card record, Form 485, in duplicate, should be kept of all studies, including those of cut-over areas, being conducted on each National Forest and at experiment stations. One copy should be kept on file at the office of the supervisor of the National Forest or of the Forest officer in charge of the experiment station, and the other at the district office. When an experiment is terminated, the card should be stamped "closed," and transferred to a closed file.

Publications.

It is the policy of the Service to publish results of investigative work conducted by its members which are of definite scientific value or of general interest. In addition to the publication of the results of specific pieces of work, as bulletins or circulars, publications embodying the general progress of the Service in investigative work, including extracts from reports which do not merit separate publication and references to all field projects where useful work is being done, will be issued from time to time.

LIBRARIES.

DISTRICT LIBRARIES.

Supervision.

District libraries will be under the supervision of the office of silviculture.

Receipt for books.

Upon receipt in the district office of books from Washington the card (Form 185) will be signed and returned, and the subject and author cards filed alphabetically in the card catalog. At the beginning of each calendar year a list of books charged to each district office will be sent in duplicate to the district forester, who will approve one copy and return it to the Forester.

Receipt for periodicals.

The receipt of periodicals will be recorded on Form 183, and the Forester notified of any failure to receive them regularly. Such periodicals as contain articles of permanent value may be sent to Washington for binding when a volume is complete.

Use of books.

Any member of the Forest Service may borrow any number of books from the district libraries. Books for which calls arise must be returned within two weeks.

Charge cards.

When a book is loaned, a charge card (Form 172) will be signed by the borrower, the date entered, and the card filed alphabetically by author. When the book is returned the date will be entered over the signature of the borrower and the charge card returned to the book pocket. Books needing rebinding will be sent to Washington and the fact noted on the charge card. The file of charge cards will be examined on the 1st of each month, and those who have had books more than a month will be notified.

Purchase of books.

All requisitions for the purchase of books, periodicals, or magazines must be approved by the library committee at Washington and the order placed with the publisher by the purchasing agent. Suggestions as to books which should be included in the district libraries should be made through the district forester.

Photograph collection.

A collection of photographs illustrating forest conditions and administrative methods on the National Forests and elsewhere should be kept in the district library in the manner prescribed by the district photograph committee. Prints of pictures desired for the collection may be secured by requisition on the Forester.

SUPERVISORS' LIBRARIES.

Supervision.

To aid the work of Forest officers, supervisor's offices are provided with small libraries of books on forestry and allied subjects. These libraries will be under the direction of the Washington office. Whenever a supervisor desires a book he should make requisition for it by letter in duplicate, containing a brief statement of the necessity for the purchase, to the district

forester. If he approves the requisition, he will forward the original to Washington for action, and retain the carbon for his files. Thereafter the matter will be handled by the Washington office, which will correspond directly with the supervisor. Copies of such correspondence will be sent to the district forester for his information. In case the Washington office does not agree with the district forester's recommendations, the matter will be taken up directly with the district forester and not with the supervisor. Form 229 will be sent to supervisors to notify them of each consignment of books shipped.

Charge cards. Charge cards will be used for books in supervisors' libraries, as described for district libraries.

List of books. At the beginning of each calendar year a list of books charged to each supervisor will be sent in duplicate to the supervisor, who will approve one copy and return it to the Forester. A copy of this list will also be sent to the district forester for his information.

Use by rangers. Rangers should be encouraged to use library books as much as possible in the supervisor's office, and by borrowing them for use at home. Special reading courses may be used to good advantage in familiarizing rangers with material in the library, and circular letters may be sent out at intervals by supervisors listing the books on particular subjects.

Photograph albums. Photograph albums illustrating general forest conditions and forest activities in different parts of the country, and local conditions and activities on the National Forests, will be kept as a part of the supervisor's library, as prescribed by the district photograph committee. Prints of pictures desired for the album may be secured by requisition on the Forester.

DISTRIBUTION OF FOREST SERVICE PUBLICATIONS.

To libraries. Copies of all Forest Service publications, marked "File copy," will be sent as soon as issued to all district and supervisors' libraries. The library copies will be placed in temporary binders requisitioned from the Ogden supply depot. Bound volumes for the Washington and district libraries will later be supplied from Washington.

To ranger stations. Each permanent ranger station will receive copies of selected publications. These will be stamped "File copy, ——— ranger station," and the name of the station filled in before mailing to the supervisor. These will be filed at ranger stations without binders. When changes or additions in headquarters are made, the Forester should be promptly informed.

For office use. A supply of each new publication will be sent to each district forester for office files and for use in office interviews and in correspondence requiring the use of marked copies.

For personal use. Single copies of publications for the personal use of members of the Forest Service will be sent on request to the Forester.

COOPERATION—DISTRICTS.

DEPARTMENTAL COOPERATION.

This cooperation varies so greatly in scope and character that it has no fixed procedure. The essential points are that the correspondence leading to cooperation and the reports upon it will be transmitted through the Forester, but that the work itself will be handled by the district office. All formal agreements with other departments will be executed by the Secretary. Recommendations for new projects should always include an estimate of cost, which, when small, or when the importance of the work justifies it, may be borne wholly by the Service.

STATE AND PRIVATE COOPERATION—FOREST MANAGEMENT.

State cooperation.

Important letters to State officials regarding cooperative forest work which they have requested, or transmitting formal agreements, reports of investigations, and recommendations for action by the State will be prepared in the district office and submitted, with two carbons, for the signature of the Forester. Agreements will be signed by the Secretary. One carbon of agreements, reports, and letters to State officials will be retained in the Washington office.

Private cooperation.

It is the policy of the Forest Service to make examinations in the field in cooperation with private owners only where the information obtained will be of scientific value to the Service or where there is an opportunity to interest residents in conservative management and tree planting in regions where little or no practical forest work has been done. The aim is to assist the small owner especially, and it is preferable to make examinations for a number of owners in one locality so that the work may have as far-reaching effects as possible. Applicants for detailed field examinations should be referred to State foresters in every case where these officers are able to make such examinations; or they may be referred to private foresters.

Procedure.

Agreements for cooperation in forest management with private owners will be approved by the district forester, and all correspondence will be handled by the district office. When a proposed project involves a radical departure from existing policy or an increase in the Forest force, the district forester will submit the application for such cooperation, with his recommendations, to the Forester for decision.

Requests for private cooperation will be satisfied by letters of advice when possible, or by field examination if considered necessary, after formal application has been made on Form 704, in accordance with the terms of Circular 165. The applicant will be furnished with Form 861 filled out to accompany each deposit.

Reports upon cooperative studies with private owners will be prepared in accordance with the "Outline for examination of private forest lands." Reports on the practice of forestry on private lands will be made on Form 216.

Reports.

Since extra copies of reports upon cooperative studies are often needed to meet requests for advice, at least two extra copies of each report will be filed with the correspondence in the case folder.

A card index will be kept in which applications for cooperation involving field studies will be filed alphabetically by name of applicant and location, and subsequent steps recorded.

COOPERATIVE PLANTING.

Assistance in forest planting will be furnished under the terms of Circular 165. Applications will, so far as possible, be satisfied by letters of advice, transmitting suitable planting circulars and lists of dealers.

Procedure.

Where a cooperative study is advisable, the applicant will be furnished with Form 728 and Form 861 filled out to accompany his deposit. Planting plans based on field study will be prepared in accordance with the instructions in "Planting plan studies and reports." One copy will be sent to the cooperator and at least two extra copies kept in the case folder. Studies of established plantations will be reported in accordance with the instructions in the "Plan for study of forest plantations."

Cooperation in planting with other branches of the Federal Government or with States will follow the routine prescribed for State and departmental cooperation.

Departmental and State.

The Forest Service will in special cases furnish stock, particularly for planting on important watersheds within National Forests, but only for purely experimental planting. Annual reports of results will be required.

Furnishing stock.

A reminder card record will be kept of all correspondents who plan to do commercial planting, in order that cards (Form 891) may be sent them later for reports on the results obtained. When correspondence indicates that planting has already been done such cards will be sent at once. When returned they will be filed under the States in which the plantation is located, alphabetically by species and the names of the cooperators.

DENDROLOGY.

Each district forester will be supplied with folio maps showing the ranges of all species occurring within his district. The ranges will be complete so far as available records can make them so. Extensions of range discovered within each district, after the maps are received, should be promptly added to the map or maps on file and a transcript of the addition on tracing paper forwarded to the Washington office for record. The Washington office maintains a set of tree distribution maps for North America and desires the systematic cooperation of the district foresters in making these records as complete as possible. All extensions of range discovered by the Washington office will be promptly forwarded to the district foresters concerned.

Data on range of trees.

In case of doubt as to the identity of a species, of which extended range is discovered, adequate specimens, flowers, if possible, but in all cases mature foliage, together with mature fruit whenever this is obtainable, should be forwarded to the Forester for identification. Notes should accompany the specimens, giving as accurately as possible the location of the species found and the extent to which it occurs; also the character of soil, aspect of slope, approximate (if not exact) elevation, associated species, how the species occurs—scattered, in open, dense, or continuous stand. When necessary to name small, little-known streams, lakes, mountains, etc., as locations for new ranges, these must be connected by reference with larger well-known streams, watersheds, etc., so that the area can be accurately located on a map.

Identification of species.

District Forest officers are urged to cooperate as fully and as diligently as possible with the dendrologist in obtaining full and accurate records of the horizontal and vertical ranges of trees within their respective districts. Present knowledge of the ranges of our trees is very imperfect. For many species it is only general, requiring much careful exploration to work out the actual limits. Definite records of occurrence, even within the generally known range, are desirable, while those which permit drawing outside limits of a range are particularly valuable.

All field reports, notes, etc., describing the occurrence of trees, should preferably refer to species by their technical names; otherwise the accepted common name of the Check List (Bulletin 17) should be used. Use of such indefinite or confusing names as piñon, juniper, cedar, cypress, mountain mahogany, magnolia, spruce, larch, fir, oak, etc., should be avoided when describing or referring to a particular species. Much valuable, and probably new, information in field reports which include matter on the geographic ranges of trees can not be used now because the unfortunate use of such indefinite names makes it impossible to be sure what species the writer saw.

Indefinite common names of trees.

COLLECTION AND PREPARATION OF SPECIMENS.

Service herbarium at Washington.

It is desirable to have represented in the herbarium of the Forest Service at Washington (which includes a collection of woods) duplicate specimens of all species collected in the different districts. The Washington herbarium is a permanent reference collection used not only by the Forest Service, but to a very great extent by other bureaus of the Department of Agriculture. In order that the collection may be widely useful, it is necessary that it be made as comprehensive as possible. This can be accomplished only by the combined efforts of all Forest officers. Directions for collecting and preparing foliage, wood, bark, and other specimens are given in the circular of March 5, 1910, prepared by the dendrologist.

District herbaria.

The dendrologist will name and have mounted reference sets of tree and shrub specimens for each district. The work can be done more economically in Washington than in the district offices, which are not regularly equipped, nor does it seem desirable to equip them, for such temporary work. The dried specimens can be safely forwarded and returned by mail under frank. Duplicate specimens designed for the Washington herbarium should be sent in at the same time.

Herbaria of forage plants.

Collections of important forage plants are useful to familiarize Forest officers with them and to enable them to obtain a knowledge of their uses, life history, and relationship to other plant life of the National Forests. To be fully useful, representative specimens should be collected and carefully preserved. They should be accompanied by notes describing how each species grows, and particularly how much the species is used for food by the stock.

Unless good complete specimens are collected the material can not be satisfactorily identified. Flowers, fruit, and mature foliage should be represented in all sets of specimens gathered, while in the case of herbaceous plants the specimens collected should include roots. If such plants grow in bunches, enough of the clump should be preserved to show the root habit. Before putting the specimen in the press, the earth should be shaken, rather than washed, from the roots in order to preserve the natural spread of the root system. If the plant should be too large to lie on a sheet 11½ by 16½ inches, the stem may be bent into an N or M shape, the angles being held in place by strips of heavy paper or cardboard 2 to 3 inches long and ½ to 1 inch wide, with a slit 1 to 2 inches long through the middle. One of these slipped over the stem will hold the specimen firmly.

Collected specimens should be placed between sheets of newspaper, or preferably the plain, thin, collecting sheets interspersed alternately with two or three sheets of blotting paper, and placed between boards or a wicker press and subjected to a pressure of from 25 to 40 pounds. This may be applied by tightly drawn straps or by a weight. Stems, roots, and other parts of herbaceous plants over a quarter of an inch thick should be thinned (by cutting) before pressing. The blotters should be changed each day until the specimens are dry.

At least two specimens of each species should be collected, in order that one may be forwarded to the Forester for identification.

Field notes.

As each specimen is placed in press it should be given a number on the outside of the containing sheet in the order of collection. These numbers should be entered in a notebook and each should be accompanied by notes covering the following points:

1. Date, place of collection, and by whom collected.
2. Geographical distribution.
3. Altitude.
4. Habitat (as low moist meadow, sterile knoll, salt marsh, etc.).
5. Habit of plant, whether the stem is erect, spreading, prostrate, forms bunches, or continuous turf, etc.

Additional notes may be made, if possible, as to when the flower stalks appear, when the seed is ripe, when the seed is scattered, the period at which the range is usually grazed, and class of stock allotted to the range.

When thoroughly dry, the specimens may be placed in the final collection in the supervisor's office on white cardboard sheets fastened with narrow strips of strong, gummed paper. When filed, each specimen should be accompanied with a transcript of the collector's notes and the common and scientific names.

Identification of forage plants.

Unknown plants may be sent the Forester, who will arrange for their identification. All packages of specimens sent to the Forester should be marked plainly with the name and address of the sender. Correspondence relating to such specimens should be forwarded as usual, through the district forester.

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U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING SPECIAL USES OF THE NATIONAL FOREST LANDS.

ISSUED BY THE
SECRETARY OF AGRICULTURE,
TO TAKE EFFECT
MAY 1, 1911.

SPECIAL USES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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THE NATIONAL FOREST MANUAL.

The fullest possible use of National Forest lands and resources is desired and will be encouraged, with no restrictions except such as are necessary to accomplish the purposes for which the National Forests are created.

Administrative jurisdiction over National Forests is conferred by law upon the Secretary of Agriculture (act of Feb. 1, 1905, 33 Stat., 628), who is authorized to regulate their occupancy and use (act of June 4, 1897, 30 Stat., 11).

The Secretary of the Interior has jurisdiction of all matters relating to the patenting and official survey of lands in the National Forests, and of grants of rights of way amounting to easements. By the practice and regulations of the Department of the Interior applications for rights of way in the National Forests are referred to the Secretary of Agriculture by the Secretary of the Interior for recommendations before final action thereon.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for the occupancy and use of National Forest lands under "special-use" permits, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of May, 1911, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 18th day of March, 1911.

JAMES WILSON,
Secretary of Agriculture.

SPECIAL USE REGULATIONS.

Reg. L–31. All uses of National Forest lands and resources, except those specifically provided for in regulations governing water power, timber sales, timber settlement, the free use of timber, and grazing, will be designated "special use." Permits for special uses, except for the excavation of antiquities under the act of June 8, 1906, and except for the lease of lands under the act of February 28, 1899, may be granted, extended, and renewed by the Forester, the District Forester, or the Forest supervisor, with such conditions as to area, time, charges, and other requirements as may be provided for by these regulations, or as may be deemed necessary to protect the National Forests. Permits for the excavation of antiquities and for the lease of lands under the act of February 28, 1899, will be granted and revoked only by the Secretary of Agriculture. Permits for sale of wild hay may be granted by Forest officers designated by the Forest supervisor. Special-use permits, except for the excavation of antiquities, and except for the lease of lands under the act of February 28, 1899, may be revoked by the Forester or the District Forester and not by the supervisor. Applications for permits for special uses shall be made to the supervisor of the Forest within which the lands or resources are situated. Appeal will lie in the first instance to the District Forester, from his decision to the Forester, and from his decision to the Secretary of Agriculture, in all matters covered by these special-use regulations.

Reg. L–32. No charge will be made for the following classes of special-use permits:

(*a*) Excavation of antiquities under the act of June 8, 1906.

(*b*) Agricultural use by applicants having preference rights under the act of June 11, 1906.

(*c*) Schools, churches, and cemeteries.

(*d*) Cabins for use of miners, prospectors, trappers, and stockmen in connection with grazing permits, provided that stockmen's cabins used during the entire year as headquarter ranches will be classified as residences and charged for accordingly.

(*e*) Corrals, stock tanks, and drift fences in connection with grazing permits.

(*f*) Dipping vats where no toll is charged.

(*g*) Inclosures allowed under regulation L–37.

(*h*) Sawmills sawing principally timber obtained from the national forests.

(*i*) Conduits and reservoirs for irrigation or mining or municipal water supplies.

(*j*) Roads and trails (which must be free public highways).

(*k*) Logging railroads and tramways hauling timber obtained principally from the National Forests.

(*l*) Telephone lines with free use and free connection by Forest Service.

(*m*) Telegraph lines with free use of poles for stringing Forest Service telephone lines.

(*n*) Stone, earth, and gravel used for projects constructed under permit.

(*o*) Special use by claimant inconsistent with development of an unperfected claim on lands which are part of a National Forest.

(*p*) Small advertising signs which also serve as guideposts.

Reg. L–33. The occupancy and use of National Forest land or resources under a special-use permit, except as provided in Regulation L–32, shall be conditioned upon the payment of a charge, which, unless otherwise authorized by the Secretary of Agriculture, shall be based upon the following rates:

Kinds.	Rates per annum.	Explanation.
Agricultural	$0.25 to $1 per acre. Not under $2 for any permit.	Not over 160 acres to any one permittee. (Free to preferred applicants under act of June 11, 1906.
Apiaries	Minimum $5, 10 cents per hive for each hive over 50; hives to be counted in March each year.	1 to 3 acres.
Cabins	$3 to $5	1 acre or less. (Free to trappers, miners, and prospectors; and to stockmen in connection with grazing permits.)
Dipping vats (toll vats).	$10 to $20	2 acres or less.
Gravel	$0.02 per cubic yard; not under $2 for any permit. Special rates on area basis.	Free for projects constructed under permit.
Hay cutting	$0.20 to $0.50 per acre; not under $2 for any permit.	
Hotels and roadhouses.	$10 to $50	1 to 3 acres.
Lime kilns	$10	1 acre.
Pastures	$0.04 to $0.25 per acre; not under $2 for any permit.	Not over 320 acres to any one permittee. (Charge is in addition to regular grazing fee.)
Railroads	$5 per mile	No charge for logging railroads hauling timber obtained principally from the National Forests.
Residences	$5 to $25	1 to 3 acres.
Resorts	$10 to $50	Do.
Sawmills, under 20,000 feet per day, sawing principally private timber.	$10	1 to 10 acres. (No charge for mills sawing principally Government timber.)
Sawmills, over 20,000 feet per day, sawing principally private timber.	Special rates	
Slaughterhouses	$10 to $20	1 to 3 acres.
Stage stations	$5 to $15	2 acres or less (without hotel features).
Stores	$5 to $50	2 acres or less.
Tramways (aerial)	$10 to $50	No charge for tramways conveying timber obtained principally from the National Forests.
Telegraph lines	Special rates	No charge if applicant enters into agreement for free use of poles by Forest Service for stringing telephone lines.
Telephone lines	do	No charge if applicant enters into free use and free connection agreements.

Within the maximum and minimum rates established herein the Forest supervisor will determine the rate to be charged in each case.

Rates for special uses not herein provided for shall be determined by the District Forester in each case, and such rates shall be consistent with the rates herein established for similar special uses.

Compensation for the use of lands under the act of February 28, 1899, for hotels and dwellings adjacent to mineral and medicinal springs, shall be determined by the Secretary of Agriculture.

In case of abandonment and issuance of new permit any payments made upon the original permit may apply on the new permit, in the discretion of the District Forester.

Reg. L–34. In serious emergencies for the protection of life or property National Forest material may be taken without previous permit, provided a permit for the material so used and for the special use involved is subsequently secured at the earliest opportunity.

Reg. L–35. The Forest supervisor may, in his discretion, issue permits to any road district, county, person, or corporation for the free use of timber, stone, and other National Forest products for the construction or maintenance of roads or trails within National Forests, without prejudice to any free-use application they may make in the same year for material for other purposes, when such roads or trails are of sufficient public benefit to justify the free use. When the public benefit does not justify such free use the permittee must pay for all merchantable timber cut or destroyed upon the lands occupied under permit, under timber settlement regulations; or if timber outside such lands is required, under timber-sale regulations.

Reg. L–36. Wagon roads over National Forest lands may be constructed, changed, widened, or repaired without permit by States or counties. With this exception, permits are necessary for the construction of all wagon roads over such lands. Trails may be constructed without formal permit if done with the consent and under the supervision of a Forest officer, except that in the National Forests in Alaska such consent and supervision will not be required. No toll shall be charged for the use of roads or trails over such lands, constructed under the authority of the Secretary of Agriculture, and the same shall be open to free public use at all times.

Reg. L–37. Persons who own or have leased from the owners unfenced lands adjoining National Forest lands may, upon waiving their right to the exclusive use of such private land and allowing it to remain open to other stock grazed on National Forest lands under permit, be permitted without charge to inclose and use not to exceed 320 acres of National Forest land, when such an arrangement will be advantageous to the administration of the National Forest.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and if leased from an owner, a copy of the lease, and must describe the National Forest land it is desired to occupy. Permits will be subject to the same restrictions as those issued under other regulations.

PROCEDURE IN SPECIAL USES.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 18, 1911.

The following procedure and instructions are hereby established and issued, to take effect on May 1, 1911, governing the enforcement of the special-use regulations of the Secretary of Agriculture made and promulgated for the use, occupancy, and protection of the National Forests.

H. S. GRAVES, *Forester.*

Approved:
JAMES WILSON,
Secretary.

Definition of special uses.

All uses of National Forest lands and resources permitted by the Secretary of Agriculture, except those specifically provided for in regulations covering water power, timber sales, timber settlement, the free use of timber, and grazing, are designated "special uses." Among these are the use or occupancy of lands for residences, farms, apiaries, dairies, schools, churches, stores, mills, factories, hotels, sanitariums, summer resorts, telephone and telegraph lines, roads, and railways; the occupancy of lands for dams, reservoirs, and conduits, not used for power purposes; and the use of stone, gravel, sand, etc.

Applications.

Applications need not be in any prescribed form, but may be made orally or by letter to the supervisor or district ranger. All applications made in error to the Forester or District Forester will be referred to the supervisor.

Ranger's report.

Upon receipt of the applications the supervisor will require from the ranger a report on Form 964. This report shall in each instance include a map either on the Form 964 or on a separate sheet. A report should also be made on Form 578*b* when the use involves the cutting or destruction of timber. Conflicts will be determined by field examination rather than from the record and maps.

Marking boundaries.

Whenever the land to be occupied under a special use permit will not be inclosed, the field officer should mark the boundaries, if practicable, in order to avoid disputes.

Reference to Reclamation Service.

If any special use involves the storage or diversion of water (except water stored in stock tanks) the supervisor will notify the supervising engineer of the Reclamation Service of the location and extent of the storage and diversion, including a plat if necessary. The supervisor will not issue the permit until he has received notification from the supervising engineer that the proposed use will not interfere with any project of the Reclamation Service.

Special clauses in free permits.

When a free permit is issued, under regulation L–32, the reason for making no charge should be inserted in the blank space of the charge clause on page 1 of the permit, as:

(Telephone permits.) No charge in consideration of free use and free connections by the Forest Service.

No charge for miners' and prospectors' cabins.

No charge for irrigation and home-building enterprise.

Rates not provided for by regulation.

When an application for a special use is received for which no rate is established in regulation L–33, the supervisor will, before issuing the permit, submit the case to the District Forester with recommendations as to the rate to be charged. The District Forester will determine the rate in the manner prescribed in the regulation, and will return all the papers to the supervisor.

Annual payment due on first day of month.

Permits will provide that after the first payment is made the annual payments thereafter shall become due and payable on the first day of the month.

Preparation and issuance of permit.

Except as otherwise provided by the regulations, or by special instructions in any particular case, all special-use permits will be signed by the supervisor. Permits will be prepared on Form 832, in triplicate. One copy will be stamped "original," one "duplicate," and one "ranger's copy." Both original and duplicate copies will be signed. A letter of transmittal of payment (Form 861) in duplicate will be prepared and the original sent with the signed original copy of the permit to the permittee when a charge is made for the special use. The ranger's copy of the permit will be sent to the ranger, and the ranger's copy of Form 861 will be retained by the supervisor until he has received the original from the fiscal agent, showing that the payment has been made, whereupon the supervisor will note the payment on his card record (Form 619), send the original to the permittee as his receipt, and the duplicate to the ranger, detaching and retaining the duplicate stub for his files.

Record and notification of annual payments.

The supervisor will issue all notices and requests for annual payments, and will keep a collection calendar card record (Form 340) as a reminder for sending such notices of payments due. Since all payments come due on the 1st, the cards will be filed under monthly guides in the order in which payments are due. In every case the permittee will be notified on Form 362, one month before payment is due. If the payment has not been received 15 days after it is due, a second notice will then be sent, notifying him that the permit will be canceled if the payment is not received within 15 days of the date of the second notice.

Bonds in general.

As a general rule, bonds will not be required in connection with special-use permits. Dependence should be placed upon the stipulations in each permit to prevent damage to the Forest, and a bond should be required only when the permittee needs a continuous warning of the danger to the Forest.

Bonds in sawmill cases.

Because of the danger from fire or from stream pollution, an exception to this rule is made in the case of steam sawmills, and bonds should be required as follows:

Little danger	$300
Considerable danger	500
Great danger	1,000

Tenure of permits.

There is no law authorizing the lease of National Forest lands for a term of years, except the act of February 28, 1899 (30 Stat., 908), providing for the lease of lands adjoining mineral springs, but permits to occupy National Forest lands for any purpose not inconsistent with their administration may be issued for an indefinite period, and will remain in force until abandoned or canceled. All special use permits issued by supervisors will, therefore, contain the clause:

> This permit may be terminated at any time in the discretion of the District Forester.

Special-use permits issued to applicants in connection with grazing permits allow possession for the whole year, but the privilege of use only during the period covered by the grazing permit. Such special-use permits need not be closed at the end of the grazing season if the grazing permits are to be renewed the following year.

Term permits.

It may happen that a permittee wishes to build an expensive summer residence or make a considerable investment on the areas covered by his permit and declines to do so without some definite term of occupancy expressed in his permit. When this is the case, the following clause may be inserted, and the permit sent the District Forester for approval:

> This permit shall terminate after ------ years from the date of its approval, or on ------, 19---. It may also be terminated by the District Forester prior to that date for the violation of its terms or for serious interference with the administration of the National Forests, and may be terminated by the Secretary of Agriculture at any time in his discretion.

Suitable areas near mineral or medicinal springs may be leased for the purpose of the erection thereon of sanitariums, hotels, or temporary dwelling houses in accordance with regulation 31.

Highest use.

National Forest land should not be devoted to an inferior use so as to preclude a higher use. For instance, after the issuance of a pasture permit it may be found that the area covers the only available reservoir site for the water supply of the community. In such a case the District Forester should exercise his discretion and cancel the permit. Compensation should be made if possible by refunding unearned payments or by granting another area for pasture purposes.

Wherever possible, this point should be determined during the field examination and where it is evident that eventually a higher use can be made of the area than the one applied for, a clause should be inserted providing for the higher utilization, thus:

> This permit is issued subject to an application for the use of the area for ------ (a reservoir for municipal purposes, an irrigation ditch, school purposes, etc.).

The welfare of the community or the number of people benefited should be the factor determining a higher use rather than the amount of money to be obtained for the use.

Rejection of applications.

If the supervisor rejects a special-use application, he will at once inform the applicant by letter, giving the reason for rejection and will forward all papers in the case to the District Forester for review. All papers will be returned to the supervisor for filing.

Revocation of permits.

The supervisor will not revoke special-use permits. When the necessity for revocation arises, the supervisor will report the case to the District Forester, who will take the necessary action in cases where the permits were issued by the supervisor. Permits issued by the District Forester will be revoked by the Forester or the Secretary of Agriculture. Notice of revocation of permit will be sent in duplicate to the supervisor, the original for transmittal by registered mail to the permittee.

CLOSING SPECIAL-USE CASES.

Cases closed by supervisors.

The supervisor should promptly close all special-use cases terminated by nonacceptance or abandonment. If the permit was issued by the District Forester, the supervisor should notify that officer of the action. Notice that the case is closed will be sent the applicant or permittee and a copy of the notice filed with the record.

Failure to make first payment.

If the permittee fails to make the first payment, and to avail himself of the privilege granted, the supervisor may close the case, and no specific revocation is necessary, since charge permits do not become effective until the first payment is made, but the notice of closure will be sent the permittee.

Closing road and trail cases.

When the construction of a road or trail is completed, the supervisor should close the case by filing with the record a statement of such completion of construction.

Closing cases upon entry of land.

In the case of agricultural permits to Forest homestead applicants, the supervisor will close the case when he is notified that the land has been listed by the Secretary of Agriculture with the Secretary of the Interior under the act of June 11, 1906.

Closing hay-sale cases.

Hay-sale cases will be closed immediately upon receipt of notice of payment and of removal of crop, by filing with the record a statement of such payment and removal.

ANCIENT RUINS AND RELICS.

Statutory provision.

Appropriating, excavating, injuring, or destroying any historic or prehistoric ruin or monument, or any object of antiquity without permit is prohibited by specific act of Congress.

Action by District Forester.

Any application for a permit to examine ruins, excavate archæological sites, or gather objects of antiquity on National Forest lands, shall be referred to the District Forester, who will see that the application is in accordance with the uniform rules and regulations of the Secretaries of the Interior, Agriculture, and War, under the act of June 8, 1906 (34 Stat., 225), and will require any necessary amendments of the application. He will submit the application, together with his recommendations (based on the supervisor's report), to the Forester, who will refer the application to the Smithsonian Institution for recommendation.

When the application is approved by the Smithsonian Institution, the Forester will prepare a permit in quintuplicate for the signature of the Secretary of Agriculture. After the original has been signed by the Secretary it will be sent with three copies to the District Forester, who will forward the original to the permittee, and two copies to the supervisor, one for his files and one for the ranger concerned.

Action by Forester.

HOTELS AND DWELLINGS ADJACENT TO MINERAL SPRINGS.

Suitable areas adjacent to mineral or medicinal springs for the erection thereon of sanitariums, hotels, or temporary dwelling houses may be leased, under the act of February 28, 1899 (30 Stat., 908), for such periods and upon such terms as to duration and compensation as may be approved by the Secretary of Agriculture. In accordance with regulation L–31, the lease will be signed by the Secretary of Agriculture. The application must be filed with the supervisor, who will forward it to the District Forester, accompanied by special-use report (Form 964). The District Forester will forward it to the Forester with his recommendations as to the conditions upon which the privilege is granted, its duration, and the compensation to be required. After the application has been approved by the Secretary of Agriculture and the necessary action has been taken by the Forester, the papers will be returned to the District Forester.

SPECIAL USE ON ADMINISTRATIVE SITES.

National Forest lands selected for administrative purposes may be used under special-use permits, as any other National Forest lands, as long as the special use does not prevent or interfere with the administrative use. Prospecting which does not interfere with administrative use should be allowed without formal permit.

Must not interfere with administrative use.

All permits for use of administrative sites will contain the following conditions:

Permits to cease when site needed.

This permit will be abandoned by the permittee on 30 days' notice from the supervisor that the land is needed for administrative use by the Forest Service.

ADVERTISING SIGNS.

No permits will be issued for conspicuous or unsightly advertising signs. There is no objection to small signs which will serve also as guideposts where guideposts are necessary. Such permits will be issued free of charge. (Regulation L–32.)

Unsightly signs not permitted.

ROADS AND TRAILS.

No permits are necessary for the construction or repair of State or county roads. Forest officers will confer with the authorities in charge of such work and will cooperate with them in the disposal of refuse and in safeguarding the National Forests against injury.

Permits unnecessary for State and county roads.

Free use of materials for public roads.

The supervisor may, in his discretion, permit the free use of National Forest material and products for the construction or repair of roads or trails within National Forests, with prejudice to any free-use application made in the same year for material and products for other purposes, when such roads or trails are of sufficient public benefit to justify the free use. The regular free-use permit form will be used. When the road or trail is of a private nature and the applicant is not entitled to a free use, the timber used or destroyed in its construction must be paid for. (Regulation L–35.)

CONDUITS AND RESERVOIRS FOR IRRIGATION.

Free permits.

No charge will be made for permits for irrigation projects. (Regulation L–32.)

Easements.

As under the act of March 3, 1891, as amended by the act of May 11, 1898, easements can be secured for irrigation projects on National Forests, it is unlikely that supervisors will be called upon to issue permits for many large projects, although applications may be received pending the approval of application for easement to the Department of the Interior.

Procedure.

For small projects the procedure will be the same as in other special-use cases. For large projects more accurate and detailed maps may be required, and also prima facie evidence of water appropriation and plans for dams and other structures, if the supervisor considers such requirements necessary.

Examination by District engineer.

If in the opinion of the supervisor an examination should be made by the District engineer, he will make such a request to the District Forester, who, if he considers it advisable, will authorize the examination.

Water power.

The report of the Forest officer should show, if possible, whether or not any development of water power for the generation of electric energy is contemplated.

TELEPHONE LINES.

Permits necessary.

Permits are necessary for all telephone lines within National Forests. They will be issued with the provision for free use and free connection by the Forest Service, and no charge will be made. Only in exceptional cases will permits be issued without the provision for free use and free connection, and in such cases the charges will be determined for each case on its individual merits.

Telephone lines on county roads.

Permits are also necessary for all telephone lines along county roads. Congress granted rights of way over the public land for highways. (U. S. Rev. Stat., sec. 2447.) By that grant the lands of the United States were subjected to the servitude of a highway for the benefit of the county. Telephone companies must, of course, secure the consent of the county authorities for the construction of these lines, but the county's title and interest is only that of a right of way, while the fee in the land remains in the United States.

Hence a telephone line on a county road through National Forest lands can be operated lawfully only under permission from the Forest

Service, notwithstanding any permission from the county. It has been generally settled by the courts that telephone lines, when constructed along a highway, are an additional servitude, and that the owners of abutting land can require compensation for damages through the construction of such telephone lines. The State legislature can empower a county to impose such an additional servitude upon private lands, provided reasonable compensation is paid, but it can give no authority to impose it on the lands of the United States.

TELEGRAPH LINES.

Permits necessary.

Permits are necessary for all telegraph lines within National Forests, even along county roads, as in the case of telephone lines. No charge for permits will be made if the applicant agrees to allow the Forest Service the use of the poles for stringing telephone lines needed by the Forest Service in connection with the administration of the National Forests and to be used exclusively for official business.

SPECIAL USES ON CLAIMS.

If a permit is granted to a claimant for special uses on an unperfected claim for purposes outside its development, no charge will be made if such use is made by the claimant. Before a permit for special uses on an unperfected claim for purposes outside its development is granted to any other person, the written consent of the claimant must be obtained by the applicant and filed with the supervisor, and the permit will be conditioned upon the payment of the charges fixed by regulation L–33. In each case, before such a permit is issued, it will be submitted to the District Forester for the purpose of obtaining from the District assistant to the Solicitor an opinion whether, under the proclamation affecting the land involved, there is any authority in the Forest Service to issue a permit in respect thereto. (For procedure when claims are occupied and used without permit for purposes not consistent with their development, see "Forest Protection.")

PERMITS ON FOREST HOMESTEADS.

Free permit on agricultural land.

All persons who settled on agricultural lands in National Forests before January 1, 1906, and have not abandoned their claims, may, if qualified, perfect title under the Forest homestead act, and in the meantime may occupy and enjoy their holdings without permit. Other applicants under the act, who appear to have the preference right of entry under that act, may be issued permits without charge for the agricultural use of so much of the land applied for as, in the opinion of the supervisor, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906.

Payments to cease on application under act of June 11, 1906.

When land covered by a paid agricultural permit is applied for by the permittee under the Forest homestead act, and the permittee is entitled to its free use in accordance with the above instructions, the old special-use case should be closed immediately and a free permit issued.

Residence under permit not credited on final proof.

Residence upon the land under the special-use permit can not count as a part of the statutory residence period required before making final proof. Under a ruling of the Department of the Interior, of January 12, 1910, persons who are permitted to occupy National Forest lands for agricultural purposes under special-use permits and who afterwards make a Forest homestead entry on the land must show five years' actual residence after entry.

DRIFT FENCES.

Permitted if benefiting Forest administration.

Drift or division fences may be allowed under permit when they will facilitate the National Forest administration, and will not interfere with the full use of the range by all who are equitably entitled to it.

Conditions of granting permit.

A fence may be constructed or maintained if it does not give control of an area in excess of that actually required for pasturage of the stock which the person or persons maintaining it would be entitled to graze or give individual control of particularly desirable portions of the range.

Removal or change of fences.

If the range controlled by a fence is excessive in area and ought to be shared by permittees in addition to those now using it, the fence must be either removed or changed or the range opened to other permittees who are entitled to share in its use.

Gates in fences.

All drift or division fences must be provided with gates at such points as are necessary to allow proper ingress and egress.

Free use of materials.

Whenever drift fences are needed for the better control of stock grazed under permit, all forest material needed for use in their construction may be furnished from the National Forest free of charge, and in cases where the circumstances justify it the necessary wire and staples may also be furnished, if the stockmen using the range are willing to construct such fences with the understanding that they will become the property of the United States.

Charge.

Permits for drift fences will be granted without charge if necessary to control stock grazed under permit.

Map.

The map accompanying the report should in each case show the location of the drift fence and its length in rods or miles.

If a person maintaining fences upon the public lands applies for a special-use permit for the construction and maintenance of a part of the same fence or of another fence upon National Forest land, the supervisor will, before issuing a permit, prepare a letter for the signature of the District Forester to the Chief of Field Division of the General Land Office, informing him of the existence of such fence on the public land and asking him whether the issuance of such special-use permit by the Forest Service would in any way embarrass the Department of the Interior. If no objection is made by the Department of the Interior, such special-use permit may be issued.

CORRALS.

Area permitted.

Permits for corrals covering an area of not more than 1 acre may be issued without charge when necessary for the proper handling of permitted live stock on a National Forest.

PASTURES.

Area.

The construction of inclosures may be allowed when necessary for the proper handling of permitted stock. Only such area, not to exceed 320 acres, shall be allowed as is necessary in each individual case. Pasture permits allow exclusive possession during the entire year, but do not convey the right to graze stock within the inclosure, except in connection with and during the period covered by the grazing permit. Stock exempt from fee may be allowed to graze within a pasture during the year-long period.

Access to water.

In pasture permits provision must be made, when necessary for utilization of the adjoining range, to allow free access to water by any stock grazing under permit.

Use of inclosures.

Inclosures will be allowed:

(*a*) To pasture saddle horses, milch or work animals, graded or pure-bred stock, and bulls or rams.

(*b*) To pasture beef or stock cattle which are being gathered and held just previous to their removal from the Forest, and to pasture calves which are being weaned.

(*c*) To give settlers who live upon lands either within or on the border of a National Forest the exclusive use of adjoining pasture lands during the portion of the year when needed for protection against other stock.

Exempt stock.

Inclosures for stock exempt from permit should not be greater than is needed for 10 head, and, unless there is good reason for it, not more than 80 acres should be allowed for this purpose.

Protection of timber.

When the area applied for includes land now bearing trees the effect which grazing would have on reproduction should be carefully considered before the application is approved.

Determination of charge.

In fixing the charge within the minimum and maximum established by regulation L–33, the character of the land, the quantity of the pasturage, the presence of permanent water, and the demand should all be considered. An advance over the minimum should be made whenever the area applied for is particularly desirable.

Combined uses under permit.

Pasture, agricultural, and wild-hay land may be allowed under a single permit, but in no case shall the agricultural land exceed 160 acres nor the pasture land 320 acres, and the charges for the three uses will be calculated separately on the basis of the rates established in regulation L–33. The dominant use will determine the case designation of the combined permit.

Pastures in connection with hotels.

When an applicant for a pasture in connection with a hotel or summer resort desires to make a charge for pasturing animals owned by his guests, this should be considered in fixing the rate per acre, and a higher charge made than when the pasturing is to be allowed free. The permit should fix the maximum number of animals which may be allowed to graze within the pasture at any one time and the maximum charge per head per day which may be made, the amount not exceeding 15 cents. Such pastures must not in any case include all of the available grazing land or camping grounds in the vicinity, but must leave opportunity for the public to camp outside if they desire so to do.

PERMITS UNDER REGULATION L–37.

A permit to inclose and use not to exceed 320 acres of Forest land without charge may be granted in exchange for a waiver of exclusive use of private lands adjoining National Forest lands when such an arrangement will be advantageous to the administration of a national forest. (Regulation L–37.)

Status of land involved.

Before issuing permits under regulation L–37 the supervisor must determine that the title to the land for which a waiver to its exclusive use has been given has passed from the United States and that the applicant has the right to its use. (See Forest Surveys and Boundaries—Forest Atlas—Alienation.)

Permits may be based upon the following:

Patented land.

(*a*) Lands for which patent has issued by the United States.

Railroad land.

(*b*) Railroad lands within the primary limits of a grant made by Congress, on land not classified as mineral.

Procedure by supervisor.

When an application for an inclosure permit in exchange for the use of private lands is received, a record will be made showing the name and address of the applicant and description and acreage of the land owned or leased for which a waiver to the exclusive use is given. If after careful investigation it appears advisable, the supervisor will issue the permit in triplicate, sending the original to the applicant, filing the duplicate, and sending the triplicate to the ranger in charge of the district.

STOCK TANKS.

Free permits.

Permits for the construction of stock watering tanks may be issued free of charge to grazing permittees, provided that all stock grazed under permit upon the range are allowed access to the water. The inclosure of not more than 40 acres in connection with the watering place may be allowed when necessary for the protection of the range, for which the usual pasture charge will be made. The inclosure of existing sources of water supply will not be allowed, and permits allowing the improvement or development of such sources of water supply must provide that the water will be left open for the use of all stock grazed upon the range under permit.

WILD HAY.

Permits to cut wild hay growing on National Forest lands may be issued on an acre basis by the supervisor or by Forest officers designated by him. Cutting will not be permitted until the Forest officer is assured that the purchase price has been forwarded to the United States depository.

Advance payment before cutting.

In issuing permits to cut hay preference should be given those applicants who actually need the hay for their own use rather than to those who contemplate selling it to others.

Preference applicants.

GAME PRESERVES AND FISH CULTURE.

No permits will be issued for game preserves or any use of land which would result in preventing or restricting lawful hunting or fishing in National Forests.

Permits for the exclusive use of land for reservoirs for fish culture may be issued if the land applied for does not involve a natural lake or natural stream bed.

SPECIAL REQUIREMENTS.

Such special requirements in special use cases must be inserted in the permits as are necessary to protect the interests of the National Forests.

The following special requirements will be inserted, except in unusual cases where they are not applicable:

Fish hatcheries or other uses on natural lakes and streams.

This lake (or stream) will be open and free to the public at all times.

Lawful fishing in the lake (or stream) during the open season shall not be prevented or restricted.

The United States Bureau of Fisheries has the right to use the lake (or stream) for purposes of artificial propagation.

Dams on fish streams.

To construct and maintain fish ladders or fishways which will enable fish to pass over the dam at all times.

Residences, resorts, etc.

To clear and keep premises clear of all inflammable refuse and undergrowth.

Logging railroads, tramroads, etc.

To clear and keep clear of all refuse, brush, or other inflammable material such width on each side of the track, and to observe such other precautions against fires as may be required by the Forest officers. (Where practical, to use only oil for fuel.)

Smelters, lime and charcoal kilns, etc.

To clear and keep the land clear of all refuse and inflammable substance, and to observe such other precautions against fire as may be required by the Forest officers.

To maintain effective apparatus to prevent the escape of any fumes injurious to vegetation.

Telephones. To allow Forest officers the free use of the line for official business to the nearest switchboard or exchange outside of the Forest.

To allow the Forest Service to make connections with the line free of charge, and to charge no toll for any messages over connecting lines built and maintained by the Forest Service.

Roads and trails. To build bridges at such points as the forest officer in charge may designate.

To build new roads or trails in place of any cut off or destroyed.

This road (or trail) within the ..... National Forest shall be open to free public use at all times.

Slaughterhouses. To dispose of all offal in such manner as the Forest officer in charge shall require.

Drift fences. To construct gates at such points as may be designated by the Forest officers.

This permit gives no right to the exclusive use of any lands, and the range controlled by the fence must be open at all times to other permittees who are entitled to share its use.

This permit shall be without effect except in connection with a grazing permit.

Corrals. To allow the use of this corral by Forest officers and all persons holding grazing permits.

Corrals equipped with trap gates. This corral shall, when in use, be examined every day by permittee, and all stock not owned or controlled by permittee shall be turned out upon the range.

Dipping vats. To dispose of waste dipping solution and dead stock in such manner as the Forest officers shall require.

Only stock grazing in the National Forest under permit (or covered by a crossing permit) shall be dipped in this vat.

Pastures. To leave watering places open to other stock grazing under permit.

To construct gates at such points as may be designated by the Forest officers.

This permit shall be without effect except in connection with a grazing permit.

This permit shall be canceled whenever any of the land inclosed is listed for settlement under the act of June 11, 1906.

The supervisor may in his discretion incorporate the following stipulation in pasture permits: "To allow the use of the inclosure at all times by the Forest officers for administrative purposes and for pasturing their saddle horses." This stipulation should only be inserted when such use is an administrative necessity, and in such cases the probable amount of use by Forest officers may be given consideration in fixing the fee to be charged.

When an inclosure is allowed under Regulation L–37, the following condition should be inserted in the permit: "The permittee, being the owner (lessee) of ..... (give description), shall allow the free and unrestricted use thereof to all stock permitted to graze on adjoining National Forest lands."

Stock tanks.

To keep the stock tank in good repair.

This permit shall be without effect except in connection with a grazing permit.

This permit is granted with the understanding that the stock tank when constructed shall not be destroyed and will become the property of the United States.

When the inclosure of a stock tank is allowed, the following condition will be added: "To allow the use of this inclosure at all times by the Forest officers for administrative purposes."

Sawmills.

To cut timber and dispose of all refuse, including sawdust and and waste material, as directed by the Forest officer.

To equip all steam engines with approved spark arresters.

To observe such other precautions against fire as may be required by the Forest officers.

INTERIOR DEPARTMENT RIGHTS OF WAY.

EASEMENTS.

EXPLANATIONS.

The following rights of way, amounting to easements across National Forest lands, are provided for by Congress and are under the jurisdiction of the Secretary of the Interior:

Jurisdiction.

The act of March 3, 1875 (18 Stat. 482), in so far as it is extended over National Forests by the act of March 3, 1899 (30 Stat., 1214), grants rights of way for railroads.

Railroad grant.

The act of March 3, 1891 (26 Stat., 1095), as amended by the act of May 11, 1898 (30 Stat., 404), grants rights of way across the public lands and National Forests for irrigation reservoirs and canals.

Grant for irrigation works.

Section 4 of the act of February 1, 1905 (33 Stat., 628), grants rights of way in National Forests for reservoirs, conduits, and water plants for municipal and mining purposes.

Grant for municipal and mining purposes.

All applications for rights of way under the foregoing acts must be filed in the proper local land office of the Department of the Interior.

Applications to local land offices.

Particular attention is called to the fact, however, that the acts above mentioned, granting rights of way amounting to easements for railroads, irrigation reservoirs and canals, and reservoirs, canals and water plants for mining and municipal purposes, do not in any way prevent or interfere with the securing of permits for these purposes from the Department of Agriculture. The issuance of a permit for any of the purposes named will not in any way prevent the permittee from filing a map of location for approval and record by the Secretary of the Interior under the right-of-way acts. The granting of an Interior Department right of way supersedes the permit issued by the Department of Agriculture.

Applicants may take Department of Agriculture permits.

The regulations of the Department of the Interior require that all applicants to that department for rights of way amounting to easements in National Forests shall enter into such stipulations and execute such bonds as the Forest Service may require for the protection of the National Forests.

Stipulations to protect National Forests.

All such applications, when received from the General Land Office at Washington will be referred by the Forester to the District Forester of the District in which the rights of way applied for are situated, in order that the District Forester may, before recommending the approval of the right of way, require the applicant to file such stipulations and bond, if any, as may be necessary to protect National Forest interests.

Applications referred to District Forester.

PROCEDURE.

Error in place of filing.

An application filed in error with the Forester, District Forester, or supervisor will be returned to the applicant for filing in the proper local land office.

Initial action by Forester.

When the Forester receives the map of application from the General Land Office he will make three prints and return the original with an appropriate letter. He will then send to the District Forester the prints and three carbon copies of his letter to the commissioner.

Initial action by District Forester.

Upon the receipt of the prints and carbons, the District Forester will forward two copies of each to the supervisor and retain one copy of each for his own files.

Action by supervisor.

Upon the receipt of the prints and carbons, the supervisor will forward one copy of each to the ranger, will cause an immediate field examination to be made, and will report with recommendations to the District Forester on Forms 964 and 578. When it appears to the supervisor that the right of way applied for will be used in connection with the development of water power or may conflict with such development, he will recommend to the District Forester that a field examination be made by the District engineer.

District engineer's examination.

If in the judgment of the District Forester a field examination by the District engineer is necessary he will cause such examination to be made. In such cases the District engineer will make a field examination of the project and collect all data bearing upon the case that may be necessary and available. Whenever practicable the supervisor will cooperate in making this examination.

If the right of way is to be used for a railroad, the District engineer should determine whether in his judgment the road, if built, will cross reservoir sites of special value or those likely to be needed in the near future, or will interfere with power or other development already projected. In such cases, the District engineer should report whether the power or other use is so immediate or so important as to justify the department in recommending to the Secretary of the Interior that he require a relocation of the line before approving the application.

If the application is for an irrigation right of way under the act of March 3, 1891, or for municipal or mining purposes under the act of February 1, 1905, the opportunity for the use of the right of way for other purposes, especially for the development of power, should be carefully investigated.

District engineer's report.

After the completion of the examination and the collection of data, the District engineer will submit to the District Forester a report in duplicate on the project, describing it in detail, and giving the results of his examination. If the application is under the act of March 3, 1891, or February 1, 1905, the report should state the amount of water to be used and the locality where used. If the development of power is contemplated or is possible, a careful estimate should be made of the amount of power capable of development, whether if developed it will be used commercially or otherwise, and the comparative value of the right of way if used as applied for, or if used for the development of power. The

report should contain recommendations, with a full and concise statement of the reasons therefor, concerning the approval or disapproval of the application. The duplicate copy of the District engineer's report will be sent to the supervisor for his files.

District Forester's action in favorable report.

If upon the showing made in the report of the supervisor or the District engineer the District Forester believes the application should be approved, he will prepare a stipulation in triplicate and submit the original to the applicant for execution. He will also send one copy to be retained by the applicant. Upon the receipt of the executed stipulation he will submit it to the District assistant to the Solicitor for approval as to its form and execution, and when approved the District Forester will prepare a letter to the Commissioner of the General Land Office for the signature of the Forester, reporting favorably upon the application, and will forward it, together with the executed stipulation, the supervisor's report, his own recommendations, and the correspondence file, to the Forester. A copy of the stipulation will be sent to the supervisor for his files. In cases reported upon by the District engineer, all papers, including his report, will be transmitted through the chief engineer to the Forester.

District Forester's action in unfavorable report.

If upon the showing made in the reports of the supervisor and the District engineer, or upon his own knowledge of the case, the District Forester believes that the application should not be approved, he will not prepare the stipulation for execution by the applicant, but will forward the reports, recommendations, and other papers as in the case of a favorable report. He will also prepare and forward with the other papers a letter for the signature of the Forester to the Commissioner of the General Land Office, stating the grounds upon which the unfavorable action is recommended. If, however, the application is not approved because it appears to have been made under the wrong act and not to the wrong department, as for instance, an application made under the act of March 3, 1891, instead of the act of February 1, 1905, the District Forester will prepare the stipulation as in a favorable report, present it for execution by the applicant, and transmit it with the other papers.

Action by chief engineer.

Upon the receipt of the report, recommendations, and other papers from the District Forester, the chief engineer will examine the papers and reports, and will forward them, together with his own recommendations, to the Forester.

Final action by Forester.

After the recommendation has been made to the Department of the Interior, the Forester will return all the papers in the case to the District Forester. When the Forester receives notice from the General Land Office that a right of way is finally granted or denied, or that proof of construction has been filed, he will forward such notice to the District Forester, who will inform the supervisor.

BREACH OF STIPULATIONS.

Judicial action necessary.

Legal proceedings are necessary to compel the grantee of rights of way to comply with the stipulations agreed to as a condition of the grant. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

Action by supervisor.

In case of the breach of stipulations required by the Interior Department, on the recommendation of the Secretary of Agriculture, as a condition for the granting of rights of way amounting to easements in the National Forests, the supervisor will make a full report of the facts to the District Forester.

Action by District Forester.

In case of such a breach of stipulation by the grantee of the rights of way, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of that department, prepared by the District Forester in cooperation with the assistant to the Solicitor, for the signature of the Secretary of Agriculture, accompanied by all reports or other information bearing on the case.

FORFEITURE OF GRANTS.

Judicial action necessary.

Legal proceedings are necessary to secure the forfeiture of rights of way amounting to easements. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

Action by supervisor.

The supervisor will report the facts to the District Forester when construction work or use of the rights of way is not completed within the statutory period, or when the rights of way are being used for the purposes not authorized by the act, as where a right of way secured under the irrigation right of way act is not used for the main purpose of irrigation, but for generating power for sale.

Action by District Forester.

In case of misuse or nonuse of rights of way amounting to easements in the National Forests, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of the Interior prepared by the district forester, in cooperation with the District assistant to the Solicitor, for the signature of the Secretary of Agriculture accompanied by all reports or other information bearing upon the case. In cases reported upon by the District engineer all papers will be transmitted to the Forester through the chief engineer.

Report of District engineer.

When misuse of rights of way is involved, an examination should be made by the district engineer, whenever in the judgment of the District Forester such examination is desirable. The report should set forth the character of the misuse and such other facts as would be presented in a report upon an original application. The report will be in duplicate and one copy will be sent to the supervisor for his files.

Form 832
(Revised March 18, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

SPECIAL-USE PERMIT

....., ..., ... National Forest.
(Kind of use.) (Date.)

Permission is hereby granted to .....

of ....., ..., to use the following-described lands: .....
(Describe the lands to be occupied, if unsurveyed, by metes and bounds with reference to a road or stream or well-known landmark; right of way by terminal points, direction, and lands occupied.)

.....

.....

.....

for the purpose of .....
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)

.....

.....

.....

subject to the following conditions:

1. The permittee shall pay to the ..... National Bank of ..... (United States depository), to be placed to the credit of the Treasurer of the United States, in consideration for this use, the sum of ..... dollars ($.....), annually in advance from ....., 191..; and this permit shall have no force or effect until the first annual payment is made.
2. The permittee shall comply with all the laws and regulations governing National Forests.
3. This permit is subject to all valid claims.
4. The permittee and ..... employees, contractors, subcontractors, and their employees shall do all in their power, both independently and upon request of Forest officers, to prevent and suppress forest fires.
5. The permittee shall dispose of brush and other refuse as required by Forest officers.
6. The permittee shall pay the United States for any damage resulting from this use.
7. Construction work under this permit shall begin within ..... months, be completed within ..... years, and this use shall be actually exercised at least ..... days each year, unless the time is extended or shortened.
8. This permit is not transferable, and shall terminate upon breach of any of the conditions herein, or at the discretion of the Forester.

(Reverse side of Form 832.)

9. Timber shall be obtained.....
(State whether by purchase or under free-use permit.)

.....

10. .....
(Any further conditions required.)

.....

.....

.....

Form 80

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Railroad Stipulations

Uses, ...
(Forest.)

..... (Railroad).
(Name of applicant.)

.....
(Date of application.)

Whereas, the railroad right of way applied for by the .....

Co. (hereinafter called the Applicant) is within the ..... National

Forest, as shown by a certain tracing executed by .....

on ....., 19.., and filed in the United States Land Office at

....., State of ..... on .....

19.., and

Whereas, the regulations of the United States Department of the Interior concerning rights of way for railroads, reservoirs, canals, etc., provide that whenever such rights of way are located upon National Forests the Applicant must enter into such stipulations and execute such bonds as the Secretary of Agriculture may require for the protection of the National Forests; and

Whereas, the Secretary of Agriculture requires for the protection of said ..... National Forest that the Applicant shall enter into the stipulation hereinafter set forth;

Now, therefore, in consideration of the granting of the right of way applied for, the Applicant does hereby stipulate and agree, and does bind itself, its successors and assigns, as follows, to wit:

1. To clear and keep clear of all timber and other inflammable substance all of said right of way and all other lands owned or controlled by the Applicant as a right of way, however acquired, lying between the points where the center line of said right of way intersects said Forest boundaries and all lands of said forest within 200 feet of said center line; but the supervisor in charge of said National Forest may in writing specifically exclude from the operation of this clause such lands as he deems proper, as, for example, when a stream, the right of way of another railroad company, or other adequate fire break lies between the right of way of the Applicant and that part of the Forest which may be in danger from fire, to cut all trees, when physically possible, so that they shall fall entirely within the strip to be cleared, and to remove all timber that, when cut on the strip to be cleared, may fall without the strip.

2. To pay to the ..... National Bank of .....
(United States depository), or such other depository or officer as may hereafter be designated by the United States, to be placed to the credit of the United States, in advance of cutting or construction, as required by the supervisor of said National Forest, for all live and dead timber, standing and down, merchantable in the judgment of the Forest supervisor, cut, damaged, killed, or destroyed on said right of way and the additional strip referred to in clause 1, title to which, at the time of said cutting, damaging, killing, or destruction, is in the United States, and for all other merchantable live and dead timber on other lands of the United States damaged, killed, or destroyed in clearing said right of way in accordance with the scale or estimate of the Forest officers, at a rate to be fixed by the said supervisor which shall correspond to the prevailing stumpage rates charged on said Forest at the time said timber is cut, damaged, killed, or destroyed; and to dispose of all brush, refuse, or unused timber accumulating at such times upon such right of way or such additional strip in such manner as may be required by the Forest officers.

3. To build new roads and trails as required by the Forest officers to replace any roads or trails destroyed by construction work upon said right of way, and to build and maintain suitable crossings, as required by the Forest officers, for all roads and trails which intersect the right of way, or for the passage of live stock, such crossings to be protected by suitable cattle guards.

4. To require its employees, contractors, and employees of contractors, both independently and at the request of the Forest officers, to do all reasonably within their power to prevent and suppress fires.

5. To pay to the United States depository or other officer as aforesaid, on demand, for any and all damage caused by fire or otherwise to the United States by reason of the use and occupation by the Applicant of its right of way within the exterior boundaries of said National Forest; and whenever any fire shall originate on or within 200 feet of such right of way it shall be conclusively presumed to have resulted from said use and occupation, unless the Applicant shall show affirmatively either that the fire was set by others than itself, its employees or contractors, or the employees of such contractors, or that every locomotive, engine, and boiler used on said right of way at the time of such fire used oil exclusively for fuel, or that such of them as did not use oil exclusively for fuel were equipped with suitable spark arresters or other standard equipment to prevent the escape of sparks or fire from smokestacks, ash pans, fire boxes, and any other part.

6. To allow the Forest Service without charge to install and maintain telephone instruments in the railroad stations in said National Forest, and to string its telephone wires upon the poles erected by the Applicant along said right of way for the official business only of the Department of Agriculture: *Provided*, That no such instruments or wires so installed or strung shall be used in connection with or in furtherance of the transmission of messages by telegraph, except for the official business of the said department; to require train crews to notify station agents of fires and of their direction and distance from the station by the quickest practicable method; and the station agents to notify the Forest officers by means of such telephones of fires within said National Forest coming to their knowledge.

7. To adopt and put into effect such code or system of locomotive signals, for the purpose of notifying station agents of forest fires, as may hereafter be secured by the Forest Service in cooperation with the officials of railway companies of the United States operating railroads in National Forests.

8. To allow officers of the Forest Service free and unrestricted access in, through, and across all lands covered by said right of way in the performance of their official duties; and the Forest Service may without charge construct or permit to be constructed in, through, or across the land covered by said right of way, roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said right of way by the Applicant, its successors and assigns.

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To make any assignment or transfer of said right of way only after and on condition that the assignees or transferees, jointly and severally, covenant in writing to fulfill and perform all the duties and obligations of the Applicant arising hereunder, including its obligations under this paragraph.

In witness whereof said Applicant has caused these presents to be executed, and its corporate seal to be hereunto affixed at....., ... on this.....day of....., 19...

.....

[CORPORATE SEAL.] By .....

Attest:

....., *Secretary.*

N. B.—Evidence of authority to execute this instrument must be submitted with it.

Form 81

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STIPULATIONS

(Irrigation, Municipal, Mining.)

(Acts Mar. 3, 1891; May 11, 1898; Feb. 1, 1905.)

Uses.....
(Forest.)

.....
(Name of applicant.)

(Reservoir) (Conduit).....
(Date of application.)

Whereas the.....right of way applied for by.....(hereinafter called the Applicant..) is within the.....National Forest, as shown by a certain tracing executed by.....on....., 19.., and filed in the United States Land Office at ....., State of.....on....., 19..; and

Whereas the regulations of the United States Department of the Interior concerning rights of way for railroads, reservoirs, canals, etc., provide that whenever such rights of way are located upon National Forests, the applicant must enter into such stipulations and execute such bonds as the Secretary of Agriculture may require for the protection of the National Forests; and

Whereas the Secretary of Agriculture requires, for the protection of said..... National Forest that the Applicant.. shall enter into the stipulations hereinafter set forth:

Now, therefore, in consideration of the granting of the right of way applied for, the Applicant.. do.. hereby stipulate and agree, and do.. bind himself, his heirs, executors, administrators, and assigns, and each of them jointly and severally (themselves, their heirs, executors, administrators, and assigns, and each of them jointly and severally) (itself, its successors, and assigns) as follows, to wit:

1. To pay to the.....National Bank of.....(United States depository) or such depository or officer as may hereafter be designated by the United States, to be placed to the credit of the United States, in advance of cutting or construction, as required by the supervisor of said National Forest, for all live and dead timber, standing and down, merchantable in the judgment of the Forest supervisor, cut, damaged, killed, or destroyed, on said right of way, title to which at the time of said cutting, damaging, killing, or destroying, is in the United States, in accordance with the scale or estimate of the Forest officers, at a rate to be fixed by said supervisor, which shall correspond to the prevailing stumpage rates charged on said Forest at the time said timber is cut, damaged, killed, or destroyed; and to dispose of all brush, refuse, or unused timber accumulating at such times upon such right of way in such manner as may be required by the Forest officers.

2. To pay to the United States depository or officer.. as aforesaid, on demand, for all damage to said National Forest resulting from the breaking of, or the overflowing, leaking, or seepage of water from, the reservoir or ditch, and for all damage to said

National Forest caused by the negligence of the Applicant.. his (their) (its) employees, contractors, or employees of contractors.

3. To build new roads and trails, as required by the said Forest supervisor, to replace any roads or trails destroyed by construction work or flooding upon said right of way, and to build and maintain suitable crossings as required by the supervisor for all roads and trails which intersect the right of way.

4. To require his (their) (its) employees, contractors, and employees of contractors, both independently and at the request of the Forest officers, to do all reasonably within their power to prevent and suppress fires.

5. To allow officers of the Forest Service free and unrestricted access in, through, and across all lands covered by said right of way, in the performance of their official duties; and to allow the Forest Service, without charge, to construct or permit to be constructed in, through, or across the land covered by said right of way roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said right of way by the Applicant...

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To make any assignment or transfer of said right of way only after and on condition that the assignees or transferees, jointly and severally, covenant in writing to fulfill and perform all the duties and obligations of the Applicant.. arising hereunder, including his (their) (its) obligations under this paragraph.

In witness whereof, said Applicant.. has (have) caused this instrument to be executed at .....on this.....

day of....., 19...

.....

.....

.....

.....

N. B.—When this instrument is executed by officers of a corporation, it must be accompanied by evidence of their authority to do so.

Form 861
(Revised June 1, 1910.)

LETTER OF TRANSMITTAL

See other side for instructions—read carefully.

....., *191*..

..... National Bank .....

United States Depository,

.....

There is inclosed herewith a (1) {money order / draft} for

..... dollars,
drawn payable to your order, to be placed to the credit of the Treasurer of the United States. This deposit is.....

.....
(First, second, or third payment; payment in full; to cover advertisement; to accompany bid, etc.)

.....

on account of.....
(Timber sale, special use, settlement for trespass, cooperative agreement, etc.)

.....

.....

..... National Forest.

(2) .....
(Signature of payer.)

(3) .....
(Post office.)

.....
(Signature of Forest officer.)

....
(Date in designation.) (Title.)

Designate transaction in accordance with instuctions in the Use Book.

.....
(Name.)

Deposit on account of .....
(Timber sale, special use, settlement for trespass, cooperative agreement, etc.)

..... National Forest.

$.....

[Reverse side of Form 861.]

INFORMATION FOR PERSONS MAKING PAYMENTS.

Indicate in the space marked (1) the character of your remittance, in (2) your name, and in (3) the address to which you wish the receipt sent. Failure on your part to make payments in the following manner will delay business: Make payments by postal or express money orders or by national-bank drafts, drawn payable to ..... National Bank ..... Do not send personal local checks. Send payment with the copy of this form furnished you by the Forest officer to ..... National Bank .....

INSTRUCTIONS TO FOREST OFFICERS.

Furnish this form to persons making payments for timber and for the use of land or other resources of the National Forests except grazing. Enter in the spaces provided the amount of the remittance and the designation of the transaction on account of which the payment is made.

Do not use this form for grazing permits.

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE.

AMENDMENT NO. 11 TO THE NATIONAL FOREST MANUAL, 1911—SPECIAL USES. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS OF FOREST OFFICERS RELATING TO AND GOVERNING SPECIAL USES OF THE NATIONAL FOREST LANDS.)

Effective on and after November 1, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Regulation L-32, page 6, of the National Forest Manual, 1911, Special Uses, issued by the Secretary of Agriculture on March 18, 1911, to take effect May 1, 1911, is hereby modified and amended by striking therefrom all of paragraph O.

Done at Washington, D. C., this 21st day of October, 1912.

Witness my hand and seal of the Department of Agriculture.

[SEAL.]

W. M. HAYS,
Acting Secretary of Agriculture.

64699—12

O

FACULTY OF FORESTRY
MAR 24 1913

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 127—INSTRUCTIONS.

APRIL 18, 1912.

Special Uses.—Paragraph 4 of the Instructions on page 23, with marginal heading "Action by supervisor," is hereby amended to read as follows:

Upon the receipt of the prints and carbons, the supervisor will forward one copy of each to the ranger, will cause an immediate field examination to be made, and will report with recommendations to the district forester on Form 964. The amount of timber involved should be shown approximately. Before any timber is cut or destroyed a careful estimate will be made in accordance with Form 578b. When it appears to the supervisor that the right of way applied for will be used in connection with the development of water power or may conflict with such development, he will recommend to the district forester that a field examination be made by the district engineer.

HENRY S. GRAVES,
Forester.

41147°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 154—INSTRUCTIONS.

DECEMBER 17, 1912.

Special Uses.—The Instructions given in Amendment No. 128 are hereby revoked, and paragraph 3 of the Instructions on page 9 is hereby amended to read as follows:

Upon receipt of an application the supervisor will require from the ranger a report on Form 964, except in cases involving the free occupancy and use for agricultural purposes of lands which have been examined and favorably reported on under the act of June 11, 1906, in which case the settlement report and map will be deemed sufficient, but a reference to it should be made in the special-use case. The report on Form 964 shall in each instance include a map either on the form or on a separate sheet. When the use involves the cutting or destruction of timber a report should also be made on Form 578b. This report may be made at the time the report is made on Form 964, or subsequently, as the supervisor shall determine, but in any event before such cutting or destruction begins. Conflicts will be determined by field examination rather than from the record and maps.

HENRY S. GRAVES,
Forester.

71136°—13

43

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 122—INSTRUCTIONS.

WASHINGTON, D. C., *February 28, 1912.*

Special Uses.—Paragraph 2 of the Instructions on page 24, relating to the handling of interior rights-of-way applications, is hereby amended to read as follows:

If upon the showing made in the report of the supervisor or the district engineer the district forester believes the application should be approved, he will prepare a stipulation in triplicate and submit the original to the applicant for execution. He will also send one copy to be retained by the applicant. Upon the receipt of the executed stipulation he will submit it to the district assistant to the Solicitor for approval as to its form and execution, and when approved the district forester will prepare a letter to the Secretary of the Interior for the signature of the Secretary of Agriculture, reporting favorably upon the application, and will forward it, together with the executed stipulation and two copies thereof for the Department of the Interior, the supervisor's report, and the correspondence file, to the Forester. A copy of the stipulation will be sent to the supervisor for his files. In cases reported upon by the district engineer, all papers, including his report, will be transmitted through the chief engineer to the Forester.

HENRY S. GRAVES,
Forester.

O

33758°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 142—INSTRUCTIONS.

OCTOBER 28, 1912.

Special Uses.—Paragraph 3, page 15, Instructions relating to special uses, as amended February 5, 1912, is hereby amended to read as follows:

The owner of an unperfected claim should be required to obtain a permit for any use of the land which is not in furtherance of the purposes for which the land was appropriated. No permit should be granted another person to occupy any part of any unabandoned claim until the consent of the claimant to such use is obtained. In both cases the permit will be conditioned on the payment of the charges fixed by Regulation L–33. (For procedure when claims are occupied and used without permit for purposes not consistent with their development see Occupancy Trespass.)

A. F. POTTER,
Acting Forester.

66291—12

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1912

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 102—INSTRUCTIONS.

JULY 1, 1911.

Special Uses.—The first word in line 4, page 14, of the Instructions is hereby amended to read "without" instead of "with," to agree with Regulation L–35.

HENRY S. GRAVES,
Forester.

29837—12

50

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING TIMBER SALES, ADMINISTRATIVE USE, TIMBER SETTLEMENT, AND THE FREE USE OF TIMBER AND STONE UPON NATIONAL FOREST LANDS.

ISSUED BY THE
SECRETARY OF AGRICULTURE
TO TAKE EFFECT
DECEMBER 1, 1911.

TIMBER SALES.
ADMINISTRATIVE USE.
TIMBER SETTLEMENT.
FREE USE.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished [by $500 fine or 12 months' imprisonment, or both] as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON, D. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for timber sales, administrative use, timber settlement, and the free use of timber and stone upon National Forest lands, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of December, 1911, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 31st day of October, 1911.

JAMES WILSON,
Secretary of Agriculture.

THE NATIONAL FOREST MANUAL.

REGULATIONS.

TIMBER SALES.

Reg. S-1. No timber shall be designated for cutting, by stamping or otherwise, until the officer approving the sale is satisfied that the cutting will preserve the living and growing timber, promote the younger growth, and be compatible with the utilization of the Forest. Upon application for the purchase of any timber or in any cases where timber is to be advertised in advance of application, such timber shall be examined and appraised, and the area from which the timber is to be cut shall be described by legal subdivisions or otherwise. The officer making the field examination shall report the quantity and value of the various kinds of timber involved, and shall base his appraisal upon the character of the timber, the cost of logging, transportation, and manufacture, and the sale value of the manufactured products at practicable markets.

Appraisal of timber.

Reg. S-2. The Secretary of Agriculture will prescribe each year, upon data and information furnished by the Forester, the maximum amount of dead, matured, and large-growth timber that may be cut on each National Forest.

Limitation of annual cut.

The Secretary of Agriculture will prescribe each year, upon data and information furnished by the Forester, the maximum and minimum stumpage prices at which the timber on each National Forest or designated portion thereof shall be appraised. Appraisals higher than the established maximum and lower than the established minimum shall be made by Forest officers, in so far as the local conditions in each specific sale warrant. No appraisals at less than the established minimum or more than the established maximum shall be approved by any Forest officer authorized to sell timber until the approval of such appraisals by the Secretary of Agriculture has been secured.

Maximum and minimum prices.

Reg. S-3. The Forester is authorized to make timber sales for any amount on any National Forest, provided the limit fixed by the Secretary for any Forest is not exceeded by the year's cut, under sales and free use on such Forest; and to delegate this authority for any specified amounts to the district foresters, but in no instance to exceed 20,000,000 feet board measure. The district forester may in turn delegate authority

Authority to make sales.

to supervisors to make sales for specified amounts, which in no instance shall exceed 2,000,000 feet board measure. All supervisors may, without special authorization, make sales of timber and cordwood in amounts not exceeding $100 in value in any one sale. The supervisor may authorize subordinate Forest officers to make sales of timber and cordwood in amounts not exceeding $50 in value in any one sale.

Deposits.

Reg. S-4. The supervisor may, in his discretion, require that a deposit be made with the proper United States depository before any timber applied for is examined. In every case where a supervisor decides to recommend a sale of timber for which advertisement is required by law, he will notify the applicant to forward to the proper United States depository such part of the purchase price as will be sufficient to cover the cost of advertising; such deposit to be applied to the purchase price in case the sale is made to the depositor; to be refunded in case the sale is made to some one other than the depositor; to be retained in the discretion of the officer approving the sale, if, through fault of the depositor, no sale of the timber is made.

Payments and refunds.

Reg. S-5. No timber shall be cut under any timber sale contract until it has been paid for. Refunds may, in the discretion of the Forester or district forester, be made to depositors of such sums deposited by them to secure the purchase price of forest products as may be found to be in excess of the amounts actually due the United States. Refunds or payments may also be made to the rightful claimants of such sums as may be found to have been erroneously collected for timber or other forest products sold from lands within, but not a part of, a National Forest.

Installment payments.

Reg. S-6. In any sale the timber may be paid for in one or more payments, as agreed. In sales of $100 or less the partial payments must not exceed three.

Modification of contracts.

Reg. S-7. Modifications of contracts for the sale of timber will not be allowed except in those cases where the full performance of the contract by the purchaser is rendered inequitable and unjust by some act of the United States, or except where the modification is sought in respect to the unexecuted portion of the contract and such modification would not be prejudicial to the interests of the United States. Modifications, where proper, within the meaning of this regulation, may be made by the officer approving the sale, or by his superior officer.

Advance cutting.

Reg. S-8. No timber will be sold, other than in amounts not exceeding $100 stumpage value, in advance of advertisement, except in cases of unusual emergency. All applications for emergency sales of timber will be submitted to the Secretary of Agriculture for approval, with a statement setting forth the reasons for the emergency. When application is made for timber to meet an unusual emergency the Forest officer authorized to make the sale will, when practicable and proper, include in the advertisement of such timber a sufficient quantity of other timber in the same locality and of the same class to satisfy such other bids as may be reasonably anticipated. After approval by the Secretary, the Forest officer may, in sales not exceeding the amount which such officer is authorized to approve, permit the cutting and removal of

timber in advance of the award, when the applicant has made a deposit covering the value of the timber to be cut and removed, and has agreed to pay for all timber actually cut under the privilege of advance cutting at the rate of the highest price bid for the whole amount of timber advertised, or, if no bids are received, at the rate named in the advertisement. When necessary to protect the Government against loss a bond will be required.

Private sale.

Reg. S-9. After any timber has been advertised and no satisfactory bid has been received, or if the bidder fails to complete the purchase, Forest officers may, within their authorization, dispose of it at private sale, in quantities to suit purchasers, without further advertisement, at prices not lower than those named in the advertisement.

Timber may also be disposed of at private sale without advertisement where the stumpage value of the timber does not exceed $100.

Prevention of monopoly. Award of sales to trespassers.

Reg. S-10. In awarding advertised timber of a value exceeding $5,000, allotments at the highest price offered may be made to several bidders to prevent monopoly. Bids submitted by parties who have trespassed upon any National Forest will not be considered unless full settlement has been previously made for such trespass.

Exportation of timber.

Reg. S-11. Timber cut from any National Forest may be exported from the State or Territory in which the National Forest is situated, except that from the Black Hills National Forest in South Dakota only dead and insect-infested timber may be exported from the State, and this only until the date upon which the Forester shall certify that the ravages of the destructive insects in said Forest are practically checked, but in no case after such date or dates as Congress has specified or shall hereafter specify. Timber cut from any National Forest in Alaska may be exported therefrom and sold anywhere, upon certification by the supervisor that the timber has been purchased and cut from a National Forest in Alaska.

Conditions of sale.

Reg. S-12. No trees on National Forest lands, or from any unpatented claim within National Forests, shall be cut, or otherwise killed, injured, or destroyed, except under permit or where allowed by law in the development of the claim.

No trees on any unpatented claim within National Forests shall be cut under permit, until the written consent of the claimant has been filed with the Forest supervisor, except in emergencies arising from insect infestation.

No live trees shall be cut under any contract until marked or otherwise designated by a Forest officer.

No timber cut under any contract shall be removed from the place selected for scaling, measuring, or counting until it has been scaled, measured, or counted and stamped by a Forest officer.

No person except a Forest officer shall stamp any timber belonging to the United States upon a National Forest with the regulation marking ax or with any instrument having a similar design.

All saw timber will be scaled by Scribner Decimal C log rule, as used by the Forest Service.

Reg. S-13. The period allowed for the removal of timber, which in no instance shall exceed five years, except in special cases upon specific approval by the Secretary, will be fixed in the agreement, and in sales in which a period of two or more years is allowed for the removal of the timber, the minimum amount to be removed each year must be specified, except in unusual cases. The Secretary may, in his discretion, when circumstances warrant, extend the time beyond a period of five years; but such extension will be granted only to prevent hardship in cases where the failure to remove the timber within the five-year period is due to circumstances over which the purchaser had no control.

Time limits.

Reg. S-14. The officer approving any timber-sale contract may require the purchaser to furnish a bond for the satisfactory completion of the contract.

Bonds.

Reg. S-15. The disapproval of an application for the purchase of timber or for the modification of an existing contract by the officer authorized to approve such application shall be considered final unless written notice of appeal to the next superior officer, district forester, Forester, or Secretary, as the case may be, is filed with the officer disapproving such application within 30 days from the receipt of his decision. All appeals arising from the enforcement or execution of the provisions of a timber-sale contract shall be made in the first instance to the Forest supervisor. His decision thereon shall be considered final unless written notice of appeal to the district forester is filed with the supervisor within 15 days from the receipt of his decision. Appeals from the decisions of the district forester to the Forester or from the decisions of the Forester to the Secretary may be made by filing written notice with the officer from whose decision appeal is taken within 15 days from the receipt of such decision.

Appeals.

Reg. S-16. The use of steam engines or steam locomotives in operations on National Forest lands under any timber-sale contract or under any permit is prohibited unless they are equipped with such spark-arresters as shall be approved by the Forest supervisor, or unless oil is used exclusively for fuel.

Use of steam engines or locomotives.

ADMINISTRATIVE USE OF TIMBER.

Reg. S-17. The Forester, and the district foresters within the amount which they are authorized to sell, may remove and sell or dispose of, under free-use permit or otherwise, as shall be most advantageous to the United States, any timber upon the National Forests when such removal is actually necessary to protect the Forest from ravages or destruction, or when the use or removal of timber is necessary in the construction of roads, trails, cabins, and other improvements on the National Forests or in experiments conducted by the Forest Service. The authority conferred by this regulation may be delegated by district foresters to Forest supervisors.

TIMBER SETTLEMENT.

Reg. S-18. When timber on National Forest land is cut, damaged, killed, or destroyed in connection with the enjoyment of a right of way or other special use it shall not be necessary to advertise it for

sale, but payment therefor may be required at such rate or rates as may be fixed by the officer authorized, under the timber-sale regulations, to sell the amount of timber involved, but in no case for less than the minimum or for more than the maximum price established by the Secretary of Agriculture, unless the authority of the Secretary is secured. When, however, a right of way or other special use is granted within a National Forest in Alaska, the supervisor may, without charge, allow the cutting of timber when this is necessary for the proper enjoyment of the special use.

FREE USE OF TIMBER AND STONE.

Reg. S-19. The Secretary of Agriculture will determine for each fiscal year, upon data to be furnished by the Forester, the maximum amount of timber to be cut under free use on each Forest, which amount shall form a part of the total maximum cut for the Forest. The Forester may grant free-use permits for timber not exceeding $500 in value, and may delegate this authority to subordinate officers. Permits for timber in excess of $100 in value, except in cases of unusual emergency, will be granted only for public purposes. Supervisors, unless otherwise authorized, may not grant permits for material exceeding $100 in value. All Forest officers whom the supervisor may designate are authorized to grant free-use permits up to $20 in value. The Forester is also authorized to grant free use of stone and to delegate this authority to subordinate officers. All applications for free use of timber of value above $500 will be submitted to the Secretary of Agriculture for approval.

By whom granted.

Reg. S-20. Free-use permits may be granted to bona fide settlers, miners, residents, and prospectors for minerals, who may not reasonably be required to purchase, and who have not on their own lands, or claims, or on lands controlled by them, a sufficient or practically accessible supply of material suitable for the purposes named in the law. They may also be granted to school and road districts, churches, or noncommercial cooperative organizations of settlers desiring to construct roads, ditches, reservoirs, or other similar improvements for mutual or public benefit. Free use may be granted to other branches of the Federal Government. Free use may be granted for consumption outside the State in which the National Forest is located, except from the Black Hills National Forest in South Dakota, on which Forest the free use of dead and insect-infested timber only may, until the date upon which the Forester shall certify that the insect ravages are practically checked, but in no case after such date or dates as Congress has specified, or shall hereafter specify, be granted for consumption outside the State.

To whom granted.

Reg. S-21. Trespassers will not be granted free use until full settlement has been made by them. Free use of material to be used in any business will be refused, as, for example, to sawmill proprietors, owners of large establishments or commercial enterprises, companies, and corporations.

To whom refused.

Reg. S-22. No applicant will be given more than two free-use permits in one year, nor may the aggregate amount of material granted in the two permits exceed $20 in value, except in cases of great and unusual need, or in the case of

Amount.

school and road districts, churches, and noncommercial cooperative organizations of settlers, when the supervisor may, in his discretion, extend the amount to any value not exceeding $100, or the value named in his authorization from the district forester. If the permittee fails to remove timber within the time allowed, the Forest officer may grant the timber to another applicant. The time allowed in permits may be extended by the officer issuing them in cases of unusual emergency.

Restrictions on free use of saw timber.

Reg. S-23. Green saw timber will not be granted to any applicant who does not do his own logging, unless he is physically incapacitated. Exceptions, however, may be made in unusual cases in the judgment of the supervisor. All free-use material may be sawed and all except green timber may be cut for the permittee by an agent, but the work so done must not be paid for by a share of the material. On Forests where a limited supply or other conditions justify it, the free use of all green saw timber or both green and dead saw timber may be refused.

Free use without permit.

Reg. S-24. Necessary cutting of timber in surveying for lawful projects may be done without permit. Unnecessary cutting is prohibited.

No free-use material, except the small quantities actually needed by transients, will be taken without a written permit.

Free use areas.

Reg. S-25. Supervisors may, with the approval of the district foresters, establish temporary free-use areas from which bona fide settlers, miners, residents, and prospectors for minerals may take, in quantities specified in Regulation S–22, dead fuel timber, dead fencing material, either or both in the discretion of the district forester, without the material being scaled or measured by a Forest officer. While permits are required in all cases, it is not necessary that they be obtained in advance when the material is secured from a designated free-use area. In every instance where a permit has not been obtained in advance, the person taking material from a temporary free-use area shall promptly thereafter notify the Forest officer in charge of the district in which such area is located of the date of removal, and of the amount, value, and class of material so taken. Upon receipt of such notification the Forest officer will issue the necessary permit.

Sale of material prohibited.

Reg. S-26. Timber or other forest products received under a free-use permit shall not be sold.

Special conditions in Alaska.

Reg. S-27. Settlers, farmers, prospectors, fishermen, or similar persons residing within or adjacent to National Forests in Alaska may take, without permit and free of charge, green or dry timber from the Forests, and driftwood, afloat or on the beaches, for their own personal use, but not for sale; provided, that the amount of material so taken shall not in any one year exceed 20,000 feet board measure, or 25 cords of wood; and provided further, that the persons enjoying this privilege will, on demand, forward to the supervisor a statement of the quantity of material so taken and a description of the location from which it was removed.

PROCEDURE AND INSTRUCTIONS IN TIMBER SALES, ADMINISTRATIVE USE, TIMBER SETTLEMENT, AND FREE USE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C., October 31, 1911.

The following procedure and instructions are hereby established and issued, to take effect December 1, 1911, governing the enforcement of the regulations of the Secretary of Agriculture relating to timber sales, administrative use, timber settlement, and the free use of timber and stone upon the National Forests.

H. S. GRAVES,
Forester.

Approved.
JAMES WILSON,
Secretary of Agriculture.

TIMBER SALES.

LIMITATION OF ANNUAL CUT.

The supervisor of each Forest will recommend to the district forester annually on April 1 the maximum amount of timber which should be cut from the Forest during the ensuing fiscal year, which shall include a specified amount which may not be exceeded under free use.

Determination.

On Forests for which working plans have been prepared, the working plan will provide a basis for determining what the maximum annual cut should be. Where no working plan exists, the maximum cut will be based upon the most accurate estimate of the stand of merchantable timber, assuming a rotation based on the best available growth data.

On Forests or working units where the demand is very great as compared with the supply, much more care must be exercised in determining the limitation than where the demand is comparatively light and there is no danger of overcutting. When market conditions are such that it is possible to utilize small timber from needed thinnings or inferior material suitable for minor uses which would otherwise go to waste, the limitation may be higher than if it is possible to market only large material suitable for saw timber.

Special attention must be given to compartments containing protection Forests. Where such areas occur the recommended cut should be greatly reduced or the areas eliminated in the calculations.

On two or more adjacent Forests where conditions are very similar and the general plan of management is the same, it may be advisable,

where the timber should be cut and it is possible to obtain purchasers, to treat the maximum cut for a group of Forests as a whole. To do this special authority must be obtained from the Secretary.

MAXIMUM AND MINIMUM STUMPAGE PRICES.

The supervisor of each Forest will recommend annually to the district forester on April 1 the maximum and minimum stumpage rates which should be fixed for the Forest for the ensuing fiscal year.

Maximum and minimum stumpage prices will be recommended, with such classification as to species, accessibility, and grade of material as may be necessary to cover adequately all conditions existing on the Forest. Flat rates applicable to two or more species should be recommended wherever advisable. All rates should be based upon the thousand feet, board measure, and will be applied to other units of quantity in ratios established by these instructions or specifically approved by the Forester. The rates recommended should be based as far as practicable upon those obtained in current sales, with reasonable latitude to make them applicable to the more or less accessible and desirable timber.

District office procedure—maximum and minimum rates and limitation of cut.

Upon receipt and review of the supervisor's recommendations on maximum and minimum stumpage rates and limitation of cut, a letter in triplicate will be prepared in the district office annually by April 15. The original and one carbon will be forwarded for the signature of the Forester and the approval of the Secretary of Agriculture, limiting the annual cut and establishing maximum and minimum rates on the Forest for the following fiscal year. After approval the original will be retained by the Forester and the carbon returned to the district forester, who will fill in the signature on the third copy and send it to the supervisor.

CLASSIFICATION OF SALES.

Sales are divided into the following classes:

By amount.

Class A: Ranger's sales, no one sale exceeding $50 in value.

Class B: Supervisor's sales, no one sale exceeding $100 in value.

Class C: Supervisor's sales for such amounts exceeding $100 in value as the supervisor is authorized to advertise and sell, in no case over 2,000,000 feet board measure.

Class D: District forester's and Forester's sales exceeding the amounts which supervisors are authorized to sell.

By advertisement.

Unadvertised sales: Sales not exceeding $100 in amount may be made for not less than the appraised value of the timber and need not be advertised.

Advertised sales: Sales exceeding $100 in amount must be advertised.

Private sales: Timber which has been advertised but for which no satisfactory bid has been received may be sold at any time at not less than the highest bid received and in no case at less than the minimum price specified in the advertisement.

CLASS A: RANGER'S SALES.

If an examination of the timber as outlined on page 36 shows that it should be sold, the Forest officer will designate the timber to be cut and fix the terms of sale.

Contract. The contract will be prepared in triplicate and executed and approved in duplicate. The purchaser should send the required payment to the proper United States depository with a letter of transmittal given him by the Forest officer, who will fill out two copies, mark one "Duplicate" and forward it to the supervisor. Remittances should be made by postal money order, express order, or New York draft. Currency may be sent at owner's risk. Postage stamps, foreign money, uncertified checks, or defaced coin will not be accepted. The Forest officer, upon assurance that the required payment has been forwarded to the proper United States depository, will approve both copies of the contract and permit cutting and removal. He will forward the original to the supervisor, give the duplicate to the purchaser, and keep the triplicate for his files.

Modifications of contracts. Extension of cutting period, modification of the contract, or postponement of brush piling may be approved by the officer approving the sale, under the limitations imposed by regulation S–7. Copies of all such modifications, including extensions, shall be sent to the supervisor.

Maps and Forest description. Copies of the map and Forest description will be sent to the supervisor with the other papers. In sales of dead timber only, however, such copies need not be furnished unless specifically required by the supervisor.

Procedure, supervisor's office. Upon receipt from the ranger of the original of the contract and duplicate letter of transmittal in the supervisor's office they will be examined as to their correctness and to determine if consistent with approved and existing rates and policy. A white timber sale record card (Form 615) will be filled out and filed alphabetically. The duplicate letter of transmittal will be placed in a reminder file, which will be examined weekly and the ranger notified of cases in which payments are two weeks late. Upon receipt from the district fiscal agent of the original letter of transmittal with the proper notation of receipt, the amount paid will be checked against the amount due, as shown by the letter of transmittal, and the amount paid and date of receipt entered on the timber sale record card. The original will then be forwarded to the payee and the duplicate, with a notation of payment received, to the ranger. Should the notification of receipt reach the supervisor before the letter of transmittal from the ranger, the data will be entered on a timber sale record card and completed upon receipt of the letter of transmittal and contract from the ranger.

Cutting reports. Unless required by the supervisor, cutting reports (Form 820) need not be submitted until the sale is ready for closing. They will be compared with the card record as directed under "Records and reports," page 59.

Closing. The ranger will submit a cutting report (Form 820) in duplicate with his recommendations. If approved by the supervisor the duplicate copy will be stamped "This case is closed" and returned to the ranger, who will transfer the

folder to the closed files. The supervisor will retain the original and will transfer the folder and the card (Form 615) to his closed cases.

CLASS B: SUPERVISOR'S SALES NOT EXCEEDING $100 IN VALUE.

Procedure. Application may be made through any Forest officer, but the supervisor must approve the contract. If the latter decides that a sale should be made, after an examination in accordance with the instructions on page 36, the applicant should forward to the United States depository the payment required, and receive from the supervisor an approved copy of his contract. Procedure in other respects follows that outlined under class A sales.

Maps and Forest description. Where no living timber is involved, maps or Forest descriptions need not be prepared unless they are required by the supervisor or are necessary in the judgment of the Forest officer making the examination.

May not exceed $100. Since the law definitely limits the amount of timber which can be sold in an individual sale without advertisement to a value of not more than $100, great care will be taken, in making class B sales, that the value does not exceed $100. It is safer to make the sale a little under the $100 limit to allow for possible excess cutting. If the value of the timber cut exceeds $100 it will be necessary to make a new sale of the amount cut in excess, but where the amount of a sale together with a small overcut does not exceed $100 the overcut should be accounted for as an excess cutting on the original contract.

Repeated sales. Repeated sales of unadvertised timber to the same purchaser, in order to avoid advertising, are not permitted.

CLASS C: SUPERVISOR'S ADVERTISED SALES.

Application. The amount of timber which can be advertised is limited to the amount named in the supervisor's letter of authority, whether the timber is advertised under a general notice or in response to an application. This authority is given only to the person named in the letter, and is not incident to the office.

Upon receipt of an informal application to purchase timber the Forest supervisor will determine, in accordance with the procedure outlined under "Examination of timber applied for," on page 36, whether the sale can be made.

The formal application will be prepared in quadruplicate. Two copies will be transmitted to the applicant, the original of which should be executed and returned to the supervisor. A copy will be forwarded to the ranger.

Upon receipt of the formal application or upon receipt of the report in general notice sales, the case will be recorded on a salmon-colored timber-sale record card (Form 615) which will be filed under timber sales alphabetically.

Notice of sale. The notice of sale will be prepared in triplicate by the supervisor as soon as the application is approved and the advertising deposit of $50 has been made. The signed original will be sent to the publisher; the first carbon, on which the name of the newspaper is entered, will be sent to the district forester, and the second carbon filed.

Report of advertisement. As soon as the first publication has appeared, it should be compared with the file copy for mistakes. One copy of Form 935, with published notice attached, must be sent to the district forester, and a second copy filed by the last date for receiving bids as a reminder of the expiration of the advertisement.

The form of notice of sale and further instructions are given under "Advertisement," page 20.

Bids and awards. The original applicant and other prospective bidders will be notified as soon as publication has begun, instructed to forward bids within the period specified in the notice of sale, and furnished with Form 941 and salmon-colored bid envelopes. (See p. 23, under "Bids and awards.")

The supervisor should notify the successful bidder that the sale has been awarded to him and that the final agreement, and bond if required, will be sent to him within a specified time.

A copy of all bids submitted shall be marked "For the information of the district forester," and forwarded to the district office.

Further instructions are given under "Bids and awards," page 23.

Contracts. The final contract will be prepared on Form 202 in quadruplicate and executed and approved in duplicate. The approved original is for the supervisor's files, the duplicate for the purchaser, the third copy will be forwarded immediately after approval to the district forester, and the fourth copy, showing the dates and signatures of execution and approval, should be sent to the officer in charge of the sale.

Further instructions are given under "Contracts," page 23.

Bonds. If a bond is required the supervisor will prepare it in duplicate on Form 377, send the original to the purchaser for execution with the contract and the duplicate to the district forester properly filled in immediately after the execution and approval of the original. The original will be approved by the supervisor and filed with his record of the case.

Further instructions are given under "Bonds," page 24.

Advance cutting. If advance cutting is allowed by the Secretary, the application will be prepared in quadruplicate and executed in duplicate. The original agreement after approval by the supervisor is for the supervisor's files, the duplicate for the purchaser, and the third and fourth copies with the dates of execution and approval written in for the district forester and the officer in charge of the sale. Instructions governing advance cutting are given on page 25.

Letter of transmittal. The letter of transmittal (Form 861) will be made out in duplicate by Forest officers and the original sent to the purchaser to be forwarded with each deposit to the proper United States depository; the duplicate will be filed in the supervisor's office in a waiting file and handled thereafter as in class A sales.

District forester's record. Copies of the map, estimate, report, application, notice of sale, Form 935, contract, bond, and important modifications will be submitted to the district forester as they are prepared, except the contract and bond, which will be submitted after execution and approval.

Closing. Class C sales will be closed in the same manner as class A sales.

Procedure, district office.

The application and report in advertised sales will be examined for the purpose of ascertaining whether they are in accordance with the preceding instructions and with instructions to the supervisor as to price, amount, period, and other conditions. Special care is necessary to see that cutting will be done in accordance with the preliminary or final working plan, and that the plan for marking agrees with the policy adopted for the Forest and type.

The carbon of the notice of sale will be checked, with particular attention to the period allowed for submitting bids, the location of the cutting areas, the estimate, price, and deposits required.

The published notice of sale (Form 935) will be checked with the carbons previously received from the supervisor, and filed as a reminder against the receipt of the contract and bond.

If advance cutting has been allowed, the copy of the application will be reviewed. When the papers have been reviewed, they will be returned to the supervisor, with instructions or comments if necessary. No record will be kept in the district office.

Supervisors who have shown their ability to handle class C sales properly may, in the discretion of the district forester, be authorized to discontinue sending papers to the district office, except when necessary for examination by district assistants to the solicitor of authority of officers of incorporated companies to execute the contract for the company.

CLASS D: DISTRICT FORESTER'S AND FORESTER'S SALES.

District forester's sales, application.

The steps are the same as in class C sales until the supervisor has received the formal application signed by the applicant. If the supervisor decides to recommend the sale, he will notify the applicant to forward $50 to the proper United States depository to cover the cost of advertising, and will send the application to the district forester with the report, estimate, and map. If the supervisor recommends the approval of the application without modification, he will initial in the lower left-hand corner of the first page. If he wishes to recommend any modification of the application or to give a more detailed explanation of any features of the examination or application, he will do so in a letter sent with the other papers.

Sample contract.

Where advisable, a sample contract, unexecuted, containing all of the provisions of the proposed sale, may be submitted to the district forester in lieu of a formal application. When, however, the privilege of advance cutting is desired the applicant will in every instance be required to sign a formal application before his application for advance cutting will be considered.

Card record.

A blue timber-sale record card (Form 615) will be filled out by the supervisor and filed as in class A sales.

The application or sample contract will be examined by the district forester as under class C sales, and if approved, a timber-sale record card (Form 615) will be filled out and filed.

Changes in application.

The supervisor will be notified immediately of any necessary modifications in the application, and will obtain the consent of the applicant to such modifications before proceeding with the notice of sale.

Notice of sale.

After approval of the application or sample contract and receipt of deposit to cover advertising, a notice of sale will be prepared in the district office, with two carbons, the original signed by the district forester, and with one carbon sent to the supervisor, who will have it published in accordance with the instructions under "Advertisement," page 20.

Report of advertisement.

As soon as the advertisement begins, the supervisor will check the published notice of sale with the file copy for mistakes, and forward Form 935 to the district forester. The published notice of sale (Form 935) will be reviewed by the district forester and filed as a promise card to check the expiration of the advertisement.

Bids and awards.

The supervisor will notify the original applicant and other prospective bidders as soon as advertisement is begun, instructing them to forward their bids within the period specified in the notice of sale. He will furnish them with copies of Form 941 and blue bid envelopes.

After the bids are opened, the district forester will immediately notify the supervisor of the names of bidders, the amount of each bid, and the award. See "Bids and awards," page 23.

Contract.

A contract, Form 202, will then be prepared by the district forester with four carbons. One copy will be filed and the original and three carbons sent to the supervisor, who will have the original and one carbon executed by the purchaser and return them to the district office. The third copy will be retained in the supervisor's files, and the fourth sent to the officer in charge of the sale. The contract will be submitted to the district assistant to the solicitor for examination. After the district forester has approved both copies, the duplicate will be forwarded to the purchaser through the supervisor and the original filed in the safe.

When the approved duplicate of the contract is received by the supervisor, he will enter the signature and dates of execution and approval on his copy, and notify the officer in charge of the sale in order that the latter may take the same action.

The bond.

The bond, if one is necessary, will be prepared in duplicate and the original sent to the purchaser for execution through the supervisor. The executed and approved original will be submitted to the district assistant to the solicitor for examination and will be retained in the district office. The duplicate, with dates and signatures filled in, will be filed with the supervisor.

Advance cutting.

Application for advance cutting will be prepared by the supervisor in quadruplicate, and executed and forwarded in duplicate to the district forester. The district forester will review the application, and approve it if satisfactory and such action appears advisable, after obtaining authority from the Secretary. The original will be retained in the district office and the duplicate returned to the supervisor. The supervisor will make the necessary entries on the remaining copies, forward the duplicate to the purchaser, retain the third copy, and send the fourth to the officer in charge of the sale.

If the application is disapproved, the supervisor will be directed to inform the purchaser of the reasons for such action.

Work which may be required of supervisors.

In the discretion of the district forester, supervisors may be required to prepare notices of sale to be submitted with the application, to receive bids, or to prepare the contracts and bonds.

Forester's sales.

For sales which exceed the district forester's limit, the application, together with the report, estimate, map, and the supervisor's and district forester's recommendations, will be forwarded to the Forester for his approval. When the Forester has approved the application, the district forester will sign the notice of sale and proceed with the advertisement. After the contract has been properly executed cutting may begin, but the contract and bond should be forwarded to the Forester for approval, with extra copies for filing. The sale will then be handled as a district forester's sale, except that modifications of the contract can be made only with the Forester's approval.

Where advisable, a sample contract, unexecuted, containing all of the provisions of the proposed sale, may be submitted to the Forester in lieu of a formal application. When, however, the privilege of advance cutting is desired the applicant will in every instance be required to sign a formal application before his application for advance cutting will be considered. Upon approval of the sample contract by the Forester, the district forester will proceed with negotiations with the applicant and advertise the sale if its conditions are accepted by him. It is essential that no final assurances be given to prospective purchasers until the Forester has passed upon the application or sample contract.

ADVERTISEMENT.

Period.

Advertisement of sales of timber exceeding $100 in amount is required by act of June 6, 1900 (31 Stat., 661), for a period of not less than 30 days.

In what papers.

Advertisements must be published in papers included in the yearly authorization issued to the supervisor by the Secretary of Agriculture. If publication in other papers is advisable, the authority of the Secretary should be requested through the Forester.

If the notice of sale is to be published in more than one newspaper, an original copy will be sent to each. The last day for receiving bids named in all the papers must be the same.

Essential features.

The notice of sale must announce the time and place of filing bids, the location and approximate amount of timber, the amount to be deposited, and the name and address of the supervisor from whom full information can be obtained. It will state that the right to reject any or all bids is reserved.

Location of timber.

Great care will be taken to determine and designate closely the location of the timber which is advertised. If the land included in the notice of sale is unsurveyed, the word "approximately" should be inserted in the description of the probable legal subdivisions. Whether the land is surveyed or unsurveyed, the location should be given with reference to watersheds or well-known natural objects, as well as by legal or approximate legal subdivisions, so that if by any chance a mistake is made in naming the subdivision it will not be necessary to readvertise the timber.

Form of advertisement.

The notice of sale of timber for which application has been made should take the following form, with such modifications as may be necessary by reason of varying requirements of the sale:

SALE OF TIMBER. ....., ..., ...
(City.) (State.) (Date.)

Sealed bids marked outside, "Bid, timber-sale application, ...,
(Date of application.)

....." and addressed to the Forest Supervisor, ...
(Name of Forest.)

National Forest, ..., ... (or "to the District Forester, Forest Service,
(City.) (State.)

....., ..." if class D sale), will be received up to and including the
(City.) (State.)

..... day of ....., ..., for all the merchantable dead timber standing or
(Month.) (Year.)

down and all the live timber marked (or designated) for cutting by a Forest officer, located on an area to be definitely designated by a Forest officer before cutting begins, including about ..... acres in approximately sec. ....., T. ...., R. ...., ... M. on the watershed of ..... River, within the ..... National Forest, estimated to be ..... feet board measure of live ..... saw
(Species.)

timber, log scale, and ..... cords of cordwood, more or less. No bid of less than $..... per thousand feet board measure for saw timber and $..... per cord for cordwood will be considered, and a deposit of $..... payable to the order of the ..... National Bank of ....., ..., must be sent to that bank for
(City.) (State.)

each bid submitted to the supervisor (or district forester). Timber upon valid claims is exempt from sale. The right to reject any and all bids is reserved. For further information and regulations governing sales address Forest Supervisor, ... National Forest, ..., ... (or District Forester, ..., ...).
(City.) (State.) (City.) (State.)

.....,
(Signature of forest supervisor or district forester.)

.....
(Title.)

Date for receiving bids.

In order to make the advertisement legal, the last day for receiving bids must be at least 30 days from the first appearance of the advertisement, but need not be the date of its final appearance. Care should be taken, therefore, to see that the date up to which bids will be received, which the supervisor should insert in the copy to be furnished to the publisher, is the same day in the following month as the date of the first publication. If, however, the first publication appears on January 29, 30, or 31, the final date for receiving bids should be March 1, 2, or 3, as the case may be. If the first publication appears in February, the final date for receiving bids should be two days later in March than the date of the first publication. If in any case the last day for receiving bids falls on Sunday or a legal holiday, the final date should be the following day.

Correcting mistakes.

If material mistakes appear, they should be corrected and the date up to which bids will be received changed to the thirtieth day after the first appearance of the corrected advertisement. A full period of 30 days will

thus be allowed for submitting bids. However, the total number of times the notice of sale, whether correct or incorrect, is published should not exceed five.

Sale of a part of timber advertised.

If the notice of sale is to provide for the sale of only a part of the timber advertised, the notice should read, "for all or any part of the merchantable dead timber standing or down and all of the live timber marked (or designated) for cutting, etc."

General notice.

Timber for which there is likely to be a demand and which should be promptly cut for silvicultural reasons may be advertised by a general notice in advance of application to purchase, upon approval by the officer authorized to sell the amount of timber involved.

It is desirable to call the attention of prospective purchasers by such notices to timber which is insect infested, bodies of dead timber which are deteriorating, or timber the removal of which will benefit the Forest.

The advertisement for a general notice should follow the same form as the application notice, given above, with the following changes:

The words "Bid, timber sale application, ----------, (Date of application.)

---------- (Name of Forest.)" should be changed to "Bid, timber sale, general notice, ----------, ---------- (Date.) (Name of Forest.)"

Authority to publish.

Whenever a timber sale is to be advertised, the supervisor will issue to the publisher of the newspaper or other publication in which the advertisement is to appear a Form BF "Authority to publish advertisement," which will be transmitted with the notice of sale and a copy of the advertising rate form. A copy of each Form BF issued will be retained.

In filling out Form BF, the designation of the case, name of Forest, date, name of paper, place of publication, and date and number of the Secretary's authorization must be inserted in the proper blank lines. Other data will be filled in as indicated by the italicized clauses of the following:

> You are hereby authorized to publish the inclosed advertisement for proposals for *the purchase of timber from lands within the* ..... National Forest in the weekly edition of your paper *five* (*5*) times, as follows: Consecutively, preceding the date up to which bids will be received (thirty (30) days from first publication), provided your charges, etc.

The publisher's attention will be directed to the fact that advertisements must be set up like the sample which appears on the second page of Form BF, since charges for display headings can not be allowed. The matter must be set up solid, without paragraphing, and with the signature and title of the officer signing the advertisement "run in."

When the advertisement has run for the time ordered, the publisher of the newspaper will fill out the voucher attached to Form BF and transmit it, with an affidavit of publication, to the district fiscal agent. If the publisher's sworn rates are not already on file, these must accompany the account.

In order that large sales may be given all possible publicity, supervisors will, during the period of advertising, post copies of Form 975 where they will attract the notice of the general public.

Additional publicity.

BIDS AND AWARDS.

Instructions concerning deposits in connection with bids are given under "Payments, deposits, refunds, and transfers," page 27.

Deposits.

Envelopes containing bids will be stamped with the date of receipt and filed, unopened, by sales under the date of opening. At 2 o'clock p. m., on the day following the final date for receiving bids, all the bids submitted will be opened by the supervisor or district forester, as the case may be, in the presence of one or more witnesses. Bidders may be present at the opening of the bids if they desire. The original bids should be indorsed with the date opened and a list of those present. Bids for lower rates than those named in the notice of sale can not be considered. If no bids have been received, the applicant will be requested by the supervisor to submit a bid immediately.

Handling of bids.

The sale will be awarded to the highest bidder, unless such an award will create a monopoly, or unless the highest bidder is debarred from the use of the National Forest by his previous acts, or the public interest presents some unforeseen objection to the sale.

Award.

Whenever practicable, timber for which more than one bid has been received may be allotted among several bidders at the highest price offered by any one of them or at such variations in price, in no case less than that stated in the advertisement, as will equalize differences in the quality or accessibility of the timber on different parts of the sale area.

If any portion of the timber is awarded to another than the applicant, a new timber sale record card will be filled out and filed by the supervisor and also by the district forester in class D sales.

When the contract is returned, executed, the data on the timber sale record cards will be checked by the officer approving the sale and deposits made by unsuccessful bidders refunded in accordance with the instructions on page 28.

Refunds to unsuccessful bidders.

CONTRACTS.

The contract should not be submitted to the successful bidder for execution until assurance is received that the deposit required with the bid has been made.

When submitted.

Every reasonable effort will be made by the supervisor to secure the prompt execution of all agreements and bonds. If for any reason the agreement and bond are not executed, the district forester will be notified and the case closed.

Prompt execution.

Form 202 will be used in the preparation of contracts, with the insertion of such special clauses as particular cases may require.

Form.

If two or more persons who are not partners purchase timber, the names of all will be given in full at the beginning of the contract and

all will be required to sign. The variation in form and requirements for execution when the sale is made to an individual, a partnership, or a corporation, or is a private sale are outlined on Form 202. Unless the contract provides for the sale of only a part of the timber advertised it will follow the advertisement absolutely in the description of the lands and the amount and location of the timber included in the sale.

Evidence of authority.

Evidence of authority of the person who executes a contract or bond on behalf of a corporation will be obtained, and in every case submitted to the district assistant to the solicitor for approval as to its sufficiency. Such evidence will be filed with the approved original of the contract.

As evidence of the authority of the officer signing for any incorporated company, whether purchaser or surety, a copy of, or extract from, the articles of incorporation, the by-laws, or resolutions of the board of directors, whichever it may be that authorizes the officer to execute the papers for the company, will be required. This copy or extract will be certified by the secretary of the company under the corporate seal in substantially the form outlined in Form 319.

The resolution indicated on Form 319 will be required in substantially the following form:

Form of resolution.

It is resolved by the board of directors of the ....., that it is for
(Name of company.)
the best interest of said company that .....
(Name of president or other officer.)
the ..... of said company,
(President, secretary, etc.)
be authorized to execute any and all instruments of any character whatsoever that may be drawn by said company to the United States Government in any and all of its departments now or hereafter and until this resolution is duly revoked, and

....., ... of said
(Name of officer.) (President, secretary, etc.)
....., is hereby directed and authorized to execute and deliver
(Name of company.)
for and in behalf of said company and as its act and deed to the United States Government and any or all of its departments any and all instruments drawn by said company to said Government or any or all of its departments, and to affix to said instruments the corporate name and seal of said corporation.

Witnesses.

When witnesses are required to the execution of any contract, if possible one will be a Forest officer and the other the notary public who takes the acknowledgment of the bond.

BONDS.

When required.

A bond will be required in all sales involving timber above $3,000 in value, and in sales for smaller amounts when it is considered necessary by the approving officer to insure compliance with the contract.

The following table is not intended to establish a hard and fast rule in fixing the amount of bonds, but rather is to be used as a guide.

Amount of bonds.

When, because of special conditions, a larger bond is advisable the amounts given in the table should be increased.

Amount of sale.	Amount of bond.
$3,000–$5,000	$500
5,000–10,000	1,000
10,000–20,000	2,000
20,000–30,000	3,000
30,000–40,000	4,000
40,000–75,000	5,000
Above 75,000	$6,000–20,000

Form.

Form 377 will be used. The bond will follow the contract absolutely in its reference to the purchaser, the description of the timber, and the terms of the sale. It is essential that the date of the execution of the contract appear in the bond and that the bond be approved on the same date as the contract. The original only will be executed and will be filed with the original of the contract.

Sureties on bonds.

Under authority of the acts of August 13, 1894, and March 23, 1910, the Treasury Department issues lists of surety companies authorized to act as surety on bonds to the United States. Only the surety companies on these lists, copies of which will be furnished to district foresters, may be accepted. While surety companies rather than individuals are preferred, purchasers can not be required to furnish corporate surety. The Treasury Department determines the responsibility of the surety companies in the lists, but it is extremely important that the responsibility of individual sureties be established and made a matter of record. If the purchaser is a corporation or a copartnership, sureties other than its officers, stockholders, or partners will be secured.

The responsibility of individual sureties should be established by the signing of the "certificate of solvency" attached to the bond, Form 377, by a judge or clerk of a State court of record, a judge, clerk, or deputy clerk of a United States court, a United States attorney or one of his assistants, a United States commissioner or a postmaster.

Periodic examination of bonds.

In accordance with the act of March 2, 1895 (28 Stat., 807), every bond should be examined by the district fiscal agent and the district assistant to the solicitor at least once every two years for the purpose of ascertaining the sufficiency of the sureties.

Evidence of authority.

Evidence of the authority of a person signing a bond as principal or surety on behalf of a corporation will be secured in accordance with the instructions under "Contracts," page 23, and filed with the original.

ADVANCE CUTTING.

Applications discouraged.

Applications for advance cutting will be discouraged, and will be approved or recommended only to prevent serious hardship or delay or unnecessary expense to the purchaser. Forest officers will encourage purchasers to

submit applications far enough in advance to make advance cutting unnecessary.

Form of application. The application for advance cutting will take the following form:

APPLICATION FOR ADVANCE CUTTING.

(Case designation.)

.....
(Title of approving officer.)

.....
(Address.)

SIR:

....., ..., of ....., ..., hereby
(I or we.) (Name of applicant.) (City.) (State.)

apply for the privilege of advance cutting to the amount of .....
(M feet b. m., cords, etc.)

..... under ..... timber-sale application of .....
(my or our.) (Date.)

..... National Forest, ... If this application is approved
(State.)

..... do hereby, in consideration of the granting of said privilege, promise
(I or we.)

and agree to deposit with the ..... National Bank of

....., ... (United States depository), to be
(City.) (State.)

placed to the credit of the United States, in advance of cutting, a sum sufficient, in the judgment of the Forest officer in charge, to cover the estimated value of all such timber as may be cut under this application prior to notice of the award of the sale of the timber included in said timber-sale application; and to submit, in accordance with the directions in the notice of sale, based on said timber-sale application, a bid of not less than the minimum rate (or rates) named in said notice of sale, and further to pay said depository for all the timber cut as aforesaid, at not less than the minimum rate (or rates) named in the said notice of sale, or, if a bid higher than the minimum rate (or rates) is received, at the rate (or rates) of said bid. And ..... further promise and agree to cut and remove said timber in strict accordance with all and singular the rules, regulations, and provisions set forth in said application and such modifications thereof as may be made by the approving officer.
(I or we.)

A deposit of ..... dollars ($....) has been sent to said depository to cover the estimated value of such timber as may be cut in advance as aforesaid.

Signed in duplicate this ..... day of ....., 19..

.....
(Signature of applicant.)

Approved at....., under the above conditions, ... 19..

.....
(Signature of approving officer.)

.....
(Title.)

Procedure. All requests for advance cutting will be submitted to the Secretary for approval, through the Forester, in accordance with Regulation S–8. Requests by wire should state the amount, stumpage rates at which the timber will be advertised, and conditions creating an emergency. Upon approval of the request by the Secretary, the formal application will be approved by the

Forest officer having jurisdiction in accordance with the foregoing instructions.

Provision for other bidders.

Whenever it is probable that other bids besides that of the applicant for advance cutting will be submitted, sufficient timber should be advertised as far as possible to satisfy the other bids in the event that they exceed that of the original applicant. Awards of timber should, if practicable, be made to both the original applicant and to such other persons who may have outbid him, at the highest price offered by any bidder. The applicant for advance cutting must, however, be given first consideration in the award, provided that he will contract for all timber cut and to be cut at the highest price bid.

Limitation in amount.

The permit for advance cutting does not give the applicant the right to take all the timber which he has applied for at the rate of the highest bid, but merely to take such timber as he cuts before the completion of the advertisement. In no case will he be allowed to cut timber in excess of the amount covered by his deposit. If the only bid received is from the applicant for advance cutting and it is accepted, the supervisor may allow cutting to continue after the expiration of the advertisement and until the contract is presented for execution if the deposits are sufficient. A bid must be submitted and the contract providing for payment at the highest price bid executed immediately, otherwise cutting will be suspended until these requirements are met.

PRIVATE SALE.

Contracts, including timber which has been advertised but for which no satisfactory bid was received or sales consummated, may be made at any time, through private negotiations, by the officer having authority to sell the amount of timber involved. The price must be not less than the highest price offered if any bid was received, and in no case less than the minimum named in the advertisement. The procedure in classes C and D sales will be followed, except as to advertisement.

SALE OF MATERIAL SEIZED.

In cases of seizure or recaption the seized material may be sold to the highest bidder. Where the value is over $100 it should, if practicable, be advertised if this will result in securing a higher price. It is permissible, however, to secure informal bids, provided the full value of the material can thus be secured. No sale should be made without specific authority and instructions from the district forester, acting upon the advice of the assistant to the Solicitor.

PAYMENTS, DEPOSITS, REFUNDS, AND TRANSFERS.

Payments.

Forest officers will see that no timber is cut or removed in advance of payment, and that a sufficient amount is always on deposit to insure against overcutting. In order that operations may not be delayed, purchasers will be notified in ample time when an additional payment is required. Failure to make prompt payment when requested is cause for suspending operations, provided the amount cut equals in value the amount on deposit or may do so before a second payment can be made. Requests for

postponement of payments can not be considered. In sales of $100 or less the full amount in one payment will, wherever possible, be required in advance of cutting.

Deposits.

In determining the amount of deposits with bids and the size of payments in all but classes A and B timber sales the following schedule may be used as a guide, but may be increased to meet special conditions, such as a large daily cut:

Amount of sale.	Amount of deposit.
Under..... $250	$50
$250– 500	100
500– 1,000	200
1,000– 5,000	[1] 200– 500
5,000–10,000	[1] 500–1,000
10,000–20,000	1,000
20,000–30,000	1,500
30,000–40,000	2,000
40,000–50,000	2,500
50,000–60,000	3,000
60,000–70,000	4,000
Above..... 70,000	[2] 5,000

[1] In even hundreds.
[2] Or more, as required.

Money deposited to cover cost of advertisement and to secure advance cutting may be credited toward the amount to accompany bid.

Refunds.

Deposits to cover cost of advertising and to accompany bids apply on the first payment if the sale is awarded to the depositor, otherwise they will be refunded. If, however, an examination is made and timber advertised as a result of an application, and the purchaser fails to complete the sale, a sum sufficient to cover the cost of making the examination and advertising the timber may be retained, in the discretion of the officer approving the sale. Refunds to bidders will be made on vouchers prepared by the supervisor in class C sales and the district forester in class D sales.

If a purchaser who has deposited money in a timber sale afterwards violates any of the terms of his contract, an amount sufficient to cover damages thereby caused to the United States may be withheld from a refund otherwise due the purchaser.

Purchasers who have complied with the terms of their contract and have cut all the designated timber from a sale area are entitled to a refund of any balance they may have on deposit. When a contract is canceled by mutual agreement, a refund of the amount not due the United States may be made provided the terms of the contract have been complied with. Generally speaking, all money not due the Government on any transaction will be refunded unless the purchaser has willfully neglected to remove his timber within the time specified or has been negligent in carrying out the terms of the contract. Sales will not be closed by supervisors while a balance is due the purchaser without filing a written explanation of the reasons on which the action is based unless the amount is $1 or less. Refunds of $1 or less will not be made unless the purchaser definitely requests it.

In cases in which a purchaser is entitled to a refund the supervisor will prepare a Form A voucher in duplicate. He will see that the amount and date of deposit and the amount and value of the timber cut are correct. When several deposits have been made the date

and amount of each will be given. The proper case designation will be given, so that the transaction may be identified with certainty. Refunds can be made only to the original depositor or his legal representatives, and in the latter case an exemplified copy of letters testamentary or of administration must accompany the voucher. The original will be executed by the depositor or his legal representative and the correctness of the amount certified to by the Forest supervisor, who will transmit it to the district forester for approval before payment.

When the executed original voucher is forwarded to the district forester by the supervisor, the latter should enter on the record card in the case the amount to be refunded as though the refund had already been made. No notice will be sent to the supervisor that the refund has been made. In case a voucher is not approved the supervisor will be notified by the district forester and the refund entry should then be stricken off the card.

Transfers.

Deposits may be transferred to a payor's credit on another transaction of the same class, as from one sale to another, without a written request, but his written consent will be obtained to transfers between transactions of different classes. Deposits may be transferred to the credit of another person only with the written consent of the original depositor. Proper notations will, in each case of transfer, be made on the card records.

The following form, with required modifications, may be used whenever necessary:

(Case designation.)

.....
(Title of approving officer.)

.....
(Address.)

SIR:

....., ..., of ....., ..., purchaser.. of the timber in the above designated timber sale, ... National Forest, respectfully state that ..... have deposited in connection herewith the sum of $.....; that ..... have cut thereunder timber of the value of $....., which is all the timber designated for cutting on the area included in said sale, and that all the terms of the contract have been fully complied with. ....., therefore, request that the balance of $....., due as an overpayment in said sale, be transferred to ..... credit ..... on ..... timber sale of ..... on said National Forest.

(I or we) (Name) (Town) (State)
(I or we)
(I or we)
(I or we)
(my or our) (the) (of) (my or our) (his or their)
(Date)

Signed in duplicate this .... day of ....., 19...

.....
(Signature)

Approved at....., ..., ..., 19...
(City.) (State.) (Date.)

.....
(Signature of approving officer)

.....
(Title)

Forest users, when asked to make payments, will be furnished by Forest officers with a form letter of transmittal properly filled out to be sent to the depository with the payment. A duplicate will be forwarded at once to the supervisor. Duplicates will be held in a promise file. When the original is received from the fiscal agent and the necessary record made, it will be forwarded to the payor, and the duplicate, with proper notation, returned to the ranger.

Letters of transmittal.

MODIFICATION OF CONTRACT.

Verbal modification prohibited.

No Forest officer has or will be given authority to modify any agreement verbally.

Conditions under which modifications will be allowed.

Modification will be made to prevent unnecessary hardship to purchasers, subject to the restrictions stated in Regulation S–7. For example, when the purchaser fails to remove the designated amount of timber in the specified time through unavoidable circumstances, the modification of the contract may be considered, if not disadvantageous to the United States.

Postponement of payments.

Postponement of payments, however, will not be allowed

Consent of sureties.

When a bond has been given, the consent of the sureties must be secured before any modification of contract is approved.

Evidence of authority.

The necessary evidence of authority of the person who signs on behalf of a corporation shall always be obtained.

In all cases applications to modify contracts under the terms of Regulation S–7, will be submitted by or through the district forester to the district assistant to the solicitor for determination of the legality of such modification before it shall be approved.

Form for modification of contract.

The following form, varied as required by conditions, will be used for the modification of contracts in advertised sales:

APPLICATION FOR MODIFICATION OF CONTRACT.

(Case designation.)

.....
(Forest officer who will approve modification.)

.....
(Address.)

SIR:

....., ..., of .....,
(I or we.) (Name of applicant.)

State of ....., purchaser of timber in the above-designated case, ... National Forest, respectfully request that clause .... of the agreement signed in duplicate by ....., on the .... day of ....., 19.., and approved by the (me or us.)

..... on the .... day of ....., 19.., be
(Title of approving officer.)
modified to read as follows:

"....."

If this application is approved ..... (I or we.) do hereby agree to cut and remove said timber in strict accordance with all and singular the terms and provisions of the aforesaid contract, except as herein modified.

[1] ..... (I or we.) further agree that if this application is approved a certain bond executed by ..... (me or us.) as principal and .....

and ..... as suret.. at ....., ...

on the .... day of ....., 19.., and approved by the..... (Title of approving officer.) on the .... day of ....., 19.., which was given to the United States of America to insure faithful compliance with the terms of the aforesaid contract, shall bind ..... (me or us.) and said suret.., and ..... (my or our.) and ..... (its or their.) heirs, executors, administrators, successors, and assigns in the same manner as if said modifications had been included in the original contract, to insure compliance with which said bond was given.

Signed in duplicate this .... day of ....., 19...

.....
(Signature of purchaser.)

Witnesses:

.....

.....

Approved at....., under the above conditions ....., 19...

.....
(Signature of approving officer.)

.....
(Title.)

[1] Omit when bond has not been given.

The following form will be used for the consent of sureties to the modification of agreement:

Form, consent of sureties.

CONSENT OF SURETIES.

(Case designation.)

KNOW ALL MEN BY THESE PRESENTS, That whereas we..... (Name of surety must be same as in bond.)

of ....., (City.) ....., (State.) and ....., of ....., (City.) ....., (State.), are sureties on a certain bond in the sum of ..... dollars ($.....), dated at ....., ..., on ....., ..., 19.., and given to the United States of America by ....., of ..... (Name of purchaser.) ....., *a corporation organized and existing under the laws of the State of ..... and having an office and principal place of business in .....,* ....., to insure faithful compliance with the terms of that certain timber sale contract signed in duplicate by ..... (Address of purchaser.) (Name of purchaser.)

on the .... day of ....., 19.., and approved by .....
(Title of officer.)
on the .... day of ....., 19..; and

Whereas the said ..... has by an instru-
(Name of purchaser.)
ment in writing dated the .... day of ....., 19.., made application to the
..... to have that part of said contract reading
(Title of officer who will approve modification.)
"....."
modified to read "....."
and has promised and agreed if said application is approved to cut and remove said timber in strict accordance with all and singular the terms and provisions of the aforesaid contract as modified by the conditions set forth in said application:

Now, therefore, we, the said .....
and ....., sureties as aforesaid, do hereby join in said application, and agree if the same is approved our bond shall bind us, our heirs, executors, administrators, successors, and assigns, and each and every one of us and them, jointly and severally, in the same manner as if said modification had been included in the contract to insure compliance with which our bond was given.

Dated at ....., ..., this .... day of ....., 19...
(Same date as execution of application.)

.....
(Surety.)

.....
(Surety.)

STATE OF .....
..... County } ss:

On this .... day of ....., 19.., before me, ...
(Name of notary.)
a notary public in and for ....., ..., residing therein, duly sworn and acting under a commission expiring ....., 19.., personally appeared
....., *known to me to be*
(Name of sureties.)
the ..... *of the* ....., *the corporation*
(Title.) (Name of surety company.)
that executed the above instrument, and known to me to be the person who executed the above instrument *in behalf of said corporation*, and acknowledged to me that he *said corporation* executed the above instrument voluntarily for the uses and purposes therein specified

.....
(Notary public.)

(Notarial seal.)

Approved at....., ..., ..., 19..
(City.) (State.) (Date.)

.....
(Signature of approving officer.)

.....
(Title.)

N. B.—The italicized words in the form of consent of sureties will be stricken out when executed by individuals and not by corporations.

Extension of time. Extension of time will not be granted for speculative purposes. When an extension of time is favorably considered, the officer in charge should decide whether the present price is sufficient, whether the contract can be improved with particular reference to the present condition of the sale area, and if the method of marking, scaling, utilization, or sale administration can

be strengthened and improved by any modification in the agreement. Extensions of time without change in the other conditions of the contract will be granted only in cases where the interests of the United States will not be prejudiced thereby and then only when causes over which the purchaser has no control have unavoidably delayed his operations.

Exceeding five years. All extensions of time which bring the total cutting period allowed by the contract in excess of five years must be specifically approved by the Secretary.

When refused—disposal of timber. When an extension of time is refused, any timber which may have been paid for and cut but not scaled at the date when the contract expires, may, in the absence of good reasons for retention, be scaled and its removal by the purchaser permitted.

Form. Whenever an extension of time is desired in an advertised sale an application should be made in accordance with the form for modification of contract, inserting after the words, "to read as follows," Clause 12 of the contract, Form 202, with the changes proposed. If the modification is proposed at an increase in price, the following should be added as part of the sentence following the modified clauses, "and further, to pay for all timber not cut during the time specified in said agreement at the rate of $_____ per _____ in advance payments as set forth in said agreement."
(M feet B. M. etc.)

Consent of sureties will be obtained in the form given on page 31.

Postponement of brush piling. When postponement of brush piling is advisable and is not provided for in the contract, the following change may be made in the form for modification of contract, after the name of the National Forest, line 3:

Form for application.

respectfully state that the snow is now too deep on the cutting area to permit of proper brush disposal, and ..... therefore request that in accordance with paragraph
(I or we.)
.....of said contract we be permitted to proceed with the cutting and removal of the timber and to postpone brush disposal until such time as in the opinion of the Forest supervisor proper disposal of the brush can be made in accordance with the terms of the said contract.

.....agree, if this application is approved, that.....will, as soon as
(I or we.) (I or we.)
the condition of the snow makes it possible and not later than....., at the request of the Forest officer in charge of the work, put on a sufficient force of men to dispose of all brush caused by the operations subsequent to the granting of this application, and also all other brush which is not properly disposed of at the date of this application, in a manner satisfactory to the Forest officer in charge of this work, and to use every precaution against fire being started in such brush and débris as is not properly disposed of on account of the granting of this application and to pay for any damage that may result through the approval of this application.

Bond. If a bond is required at the time of postponement, the amount will be at least twice the estimated cost of brush piling, and will be prepared on Form 377.

Consent of sureties. The consent of sureties will refer to the application as follows:

Whereas, the said ..... have, by an instrument in
(Name of purchasers.)
writing of even date, applied for a modification of the aforesaid contract so that they

may proceed with the cutting and removal of the timber without piling the brush until such time, not later than ....., as said Forest officers shall decide that the brush can be properly piled, and have agreed if said application is allowed that they will, as soon as the snow is gone, at the request of the Forest officer in charge, put on a sufficient force of men to dispose of all brush caused by the operations subsequent to the granting of said application, and also other brush of which disposal has not been made at the date of said application, in a manner satisfactory to the Forest officer in charge, and to use every precaution against fire being started in the brush and débris not piled on account of the granting of said application, and to pay for any damage that may be caused by the granting of said modification of the contract.

Approval of modications.

In unadvertised sales modifications will be granted only in writing, by letter, or by approval of an application in accordance with the foregoing forms if their use is deemed advisable. In advertised sales modifications will be granted only by approval of a formal application.

Modifications will be approved by the officer having authority to make the class of sale the contract for which is to be modified, after the district assistant to the solicitor has advised that such modification is lawful. The application and consent of sureties should be approved on the same day.

Record.

In unadvertised sales modifications will be prepared with two carbons, the original forwarded to the purchaser and the carbons filed with the supervisor and ranger. In advertised sales modifications will be prepared in quadruplicate and executed and approved in duplicate. A fifth copy will be prepared for the Forester's files in sales where the modification is approved by him. The original will be retained in the district forester's files in class D sales and in the supervisor's files in class C sales. The duplicate is for the purchaser, the third copy for the supervisor or district forester, as the case may be, and the fourth for the officer in charge of the sale. Dates and signatures should be filled in on all retained copies.

Consent of sureties will be prepared in duplicate but only the original executed. The original will be filed with the original of the application. The duplicate will be filed in the supervisor's office in class D sales and the district forester's office in class C sales.

CANCELLATION OF CONTRACTS.

If the cancellation is by mutual agreement, an application executed by the purchaser and approved by the Forest officer approving the sale will be required except in unadvertised sales in which notification signed by the approving officer is sufficient.

Form for advertised sales.

The following form with necessary modifications will be used in advertised sales:

(Case designation.)

.....
(Title of approving officer.)

.....
(Address.)

SIR:

....., ..., of .....,
(I or we.) (City.)

....., purchaser.. of the timber in the above designated case by a contract
(State.)

signed in duplicate by ..... on the .... day of ....., 19.., and approved
(Me or us.)

by ....., ..., on
(Name.) (Title.)

the .... day of ....., 19.., respectfully state that ..... have deposited in
(I or we.)

connection therewith the sum of $.....; that ..... have cut thereunder
(I or we.)

..... timber (of the value of $.....; that all the terms of said contract have been fully complied with) and that on account of the following circumstances .....
(I or we.)

do not care to complete the sale: .....

.....

..... therefore request that the said contract be canceled, that ..... be relieved from all further liability thereunder, and that the sum of ..... dollars
(I or we.) (I or we.)

($.....) remaining to ..... credit be (refunded) (transferred to the credit
(My or our.)

of ..... on ..... timber sale of.....19..).

Signed in duplicate this....day of..... 19...

.....

.....

Approved at ....., ..., ..., , 19...
(City.) (State.) (Date.)

.....,
(Signature of approving officer.)

.....
(Title.)

The last part of the final sentence is necessary only when a balance is to be refunded or transferred.

Enforced cancellation.

If the cancellation is enforced, the action, which will be justified only on account of serious violation of the terms of the contract, will, except in Forester's sales, be taken only by the superior of the officer approving the contract and after the district assistant to the solicitor advises that such action is legal and after the purchaser has in writing been given a reasonable time to show cause why the contract should not be canceled. Formal notification of enforced cancellation will be sent in all cases, and, if by the district forester, will be sent through the supervisor with a duplicate copy for the supervisor's files.

Field examination before cancellation.

Contracts will be canceled only after the condition and location of the cuttings, the amount of timber left uncut and the possibility of a ready sale at prices not less than those of the existing contract, have been reported on with specific recommendations. If enforced cancellation is considered, the report will in addition cover thoroughly the violation of the contract.

SPECIAL USES CONNECTED WITH SALES.

When special uses for sawmills, logging railroads, flumes, camps, etc., are to be used only in connection with a sale, provision for them may be included in the timber sale contract.

PERIOD FOR REMOVAL.

Time limits.

The period allowed for cutting and removal will be governed by the amount of timber involved in the sale, the capacity of the mill, the practicable logging season, and the rate at which the timber cut can be disposed of in the available market. The period in class C sales should ordinarily not exceed three years. The approval of the Secretary must be secured in all cases where the period allowed by the contract exceeds five years.

In cases in which the contract requires the removal of a definite amount of timber each year, it may be advisable, because of preliminary work to be done by the purchaser, to make the amount for the first year much smaller than for the following years.

"Removed" defined.

The word "removed," as relating to timber sale contracts and to the closing of timber cases, will be construed to mean that the timber is in such location that its further removal will neither interfere with the administration of the Forest nor require the attention of a Forest officer, nor interfere with any forest growth, nor be a fire menace, whether on or off the cutting area. When possible, the point of removal will be to roads or other places where the material is immediately available for distribution to consumers. With saw timber, removal to the mill can usually be required.

EXAMINATION OF TIMBER APPLIED FOR AND PREPARATION OF THE APPLICATION.

The maximum annual cut.

Upon receipt of an informal application for timber it will first be determined if the sale can be made without exceeding the annual cut approved by the Secretary.

On Forests with working plans.

If this is possible, the working plan, if one has been prepared for the area, will be checked to determine if a sale can be made in accordance with its provisions. If decided in the affirmative, an examination of the timber will then be made to determine definitely the boundaries of the sale area, the provisions, including stumpage rates, which should be incorporated in the contract, and the best method for cutting unless it is already outlined. If necessary or advisable the estimates will be checked, but the fullest possible use should be made of reconnaissance maps and estimates.

If the sale can and should be made contrary to the provisions of the working plan, the approval by the district forester of the plan of the modification will be secured in all important sales. Approved changes will at once be incorporated in the working plan.

On Forests with preliminary plans.

Ordinarily it should be possible to determine from the preliminary plan if a sale can be made from the locality applied for, or if an attempt should be made to locate a sale area elsewhere. Changes suggested by applicants will be carefully considered, but can not be made when contrary to the best management of the Forest.

If the preliminary plan does not show clearly the advisability of making the sale, an additional field examination must be made.

In any case unless full information is already at hand or from conclusive information available it is certain that the timber should not be sold, a detailed examination of the timber applied for will be made.

The future stand. The problem of securing a future stand after cutting is the most important to be considered. Before any sale is approved, clear-cut and definite directions will be prepared by the proper officer instructing the men in charge of the sale on marking the timber so that reproduction of the more desirable species will be secured. Each district should study the local species carefully so that the best silvicultural treatment of each type will be thoroughly understood. The results of these studies should be in the hands of all officers on National Forests.

Before making any timber sale the possible damage to reproduction in cutting will be carefully considered.

Protection from stock. If the reproduction is being or will be damaged by stock it may be advisable to recommend restriction of grazing for a time after cutting has been completed. In every case the supervisor will consider the possibility of arranging grazing allotments or periods so as to secure necessary protection for young growth without materially reducing the total number of stock grazed upon the Forest. If this is impossible, he should recommend necessary reductions. Grazing off the grass crop is a protection against fire which may offset damage from tramping. Where the exclusion of stock from any locality will work a hardship on permittees it should not be recommended without carefully weighing all of the interests involved.

Method of cutting. Before cutting commences the best method should be determined. Whether a clear cutting, selection, or group system or merely a light thinning is best can only be determined after careful study on the ground.

Approximate diameter limits. Except in clear cutting, an approximate diameter limit or a statement of the percentage of the timber to be left is usually advisable to give the purchaser a rough idea of the amount of timber which will be removed. If diameter limits are named, it should be understood that the stated limits may be varied as shown by the contract, in accordance with the silvical requirements of the stand, and that as a rule at least one-third of the volume of the original stand will be retained. Different limits will usually be adopted for different species in the same sale. The limit on desirable species should be high, in order to reserve from cutting a large percentage of young and healthy middle-aged trees for seed purposes and to provide for a second cutting within a reasonable time. For undesirable species, unless their percentage in the stand can be reduced in some other way, the limit will usually be low enough to remove all merchantable trees when not needed for protection of the soil or, in the absence of more desirable species, for seeding purposes.

All species to be cut. Since it is usually undesirable to allow a purchaser to remove only the best species, contracts will ordinarily provide for the cutting of all merchantable species.

Logging methods. The method of logging and the seasons during which it will be carried on will be ascertained and their effect upon the Forest considered. If there is danger of serious damage to the reproduction or of erosion, the examining officer will recommend measures to prevent it.

Dead timber. Merchantable dead timber will be included in all sales. All dead timber will be disposed of as soon as possible, except in rare cases, where it constitutes the only available supply.

No sale will be so large as to endanger the future local supply. If data are not available the future needs of the locality should be investigated. The limited supply on some Forests will prevent sales except for local use, but every effort will be made to satisfy legitimate demands.

Provision for local needs.

Sales for large amounts will be made when necessary to encourage new purchasers, to establish new industries, to maintain established local industries, or to aid in local development.

Size of sales.

The size of a sale will in the main be determined by the cost of the improvements required to market the timber, with a view to restricting the necessary investment for such purposes per unit of material to be handled to a reasonable amount.

A sale may be apportioned at the highest price bid among different bidders, if desirable and practicable, to prevent monopoly.

Monopoly.

Classes A and B sales will usually be made by amount. Class C sales may include all the merchantable timber on a given area, which must be designated by unmistakable natural boundaries or by blazed lines. In either case, all small, isolated, and reasonably accessible bodies of timber, which if left would not be salable, will be included. Except where the cutting area is bounded by patented lands or valid claims, it is usually very undesirable to define the boundaries by legal subdivisions.

The cutting area.

If the application includes all the timber on a watershed or slope the cutting area can be bounded by topographic features, such as ridges and streams. If only a part of the timber on a slope or watershed is wanted, the cutting area should not be limited to the most desirable. It is often better to cut one slope of a valley instead of the most accessible timber on both. When successive sales are made from the same watershed or locality the cutting areas will either be contiguous or so arranged that the timber left may be sold without difficulty.

In determining the cutting area for any large sale, small areas which will probably be needed to supply local demands must be excluded and the lines plainly designated.

Timber included in a sale upon which mineral locations have been made after the execution of the timber-sale contract will be cut as Government timber. If the location was made after the application was received and before the contract was executed, and was evidently made to interfere with the timber sale, cutting must be suspended, but a report on the claim will be forwarded immediately to the district forester, who will at once report the matter to the chief of field division, with a request for speedy action to determine the validity of the claim.

Timber on mining locations.

It was decided by the United States circuit court for the district of South Dakota, in Lewis *v.* Garlock (168 Fed., 153), that the United States may sell insect-infested timber from a mining claim that has not passed to patent when the timber is a menace to that on adjoining National Forest land. Accordingly Forest officers may dispose of insect-infested timber from unperfected mining claims when such timber is an actual menace to the Forest.

Insect-infested timber on mining claims.

The following policy should govern payments for timber cut from claims:

Payment for timber cut from claims.

Whether the claim is apparently held in good faith or not, if timber is cut and removed payment will be made to the Government in all cases except where the timber is removed in good faith for the purpose of clearing the land for cultivation or for development, or where at the time of cutting the timber is actually needed by the claimant for use in making improvements on the land embraced in his entry or location. If any such claimant should need timber for the purposes above specified and should be unable to obtain it on his claim, he will be allowed to take timber under free use permit from other lands of the United States for these purposes up to the amount cut from the claim for which the United States has received payment.

Unmarked mining locations.

Where the boundaries of a mining location are not specifically marked and there are practically no evidences of its existence, a sale of the timber on the area may be consummated notwithstanding subsequent protest of any party alleging the location of a mineral claim covering such area prior to the sale.

Unperfected claims.

The department will not attempt, without the consent of the claimant, to sell or cut timber from unperfected, subsisting claims within a National Forest except in emergencies arising from insect infestations.

School and railroad sections.

Particular care will be taken not to sell or cut the timber from lands which after survey will be school or railroad lands, and from unclassified railroad sections within the primary limits of the grant.

Stumpage prices.

No timber will be sold at prices lower than the minimum or higher than the maximum fixed annually by the Secretary for the species, grade, and location, without first obtaining the Secretary's approval. Appraisals higher than the maximum rates or lower than the minimum rates will be submitted to the Secretary for approval in accordance with the following instructions:

In all sales the stumpage prices will be based not upon local prices but upon the actual value of the timber. Timber on a gentle slope and within a mile of a drivable stream may be worth more than twice as much as equally good but less accessible timber. The Forest Service will not compete in price with timber from claims or land grants. The actual value will be determined by deducting from the value of the product the cost of logging and manufacture and a percentage of profit ranging from 10 to 30 per cent on the investment required in each 1,000 feet b. m. or other unit of quantity which is handled. The exact percentage will depend upon the size of the operation, the stability of market conditions, and the risk of loss involved.

The data necessary to determine the actual value of the timber will be carefully obtained in each case by the Forest officer making the examination. The value of the manufactured product will be reported, together with the prices of competing timber and the estimated profit to the purchaser at the stumpage price recommended. The cost of brush disposal, protection of young growth, close utilization, and logging only marked timber must be considered before deciding on the value of stumpage.

Stumpage rates will not be reduced for any purchaser on the ground that his methods of manufacture are imperfect and utilization incomplete. In recommending prices for sales to mining, power, or other enterprises for their own use, the cost of securing material from the nearest source outside the National Forest must be fully reported. Stumpage in regions where timber from outside sources can not enter into competition will be appraised on a reasonable basis, in accordance with rates received on other portions of the Forest, not at monopoly prices.

Merchantable dead timber has approximately the same market value as green timber and the stumpage rates will ordinarily be the same. In many cases it will be possible to simplify the scaling and administration of the sale by recommending an average price for all species, and for both living and dead timber.

Timber of saw-log quality which will become accessible for that purpose within a reasonable time will not ordinarily be sold as cordwood or for other uses at less than saw-timber rates.

No application will be approved by any officer unless the report of the examiner shows definitely that the full market value of the timber will be received.

Period allowed for cutting.

Recommendations for the period to be allowed for the cutting and removal of the timber will be made. The facilities of the purchaser for completing logging within the time specified must be considered.

Utilization.

A careful study of market conditions should be made and necessary provisions for complete utilization included in the application. The individual tree must be utilized as closely as good business and fairness to the Government and the purchaser justify. The Service will insist on as complete use as possible even if the same financial returns might be obtained for less material. Purchasers will be assisted in every possible way to find markets for material not commonly used. The basis for distinguishing between merchantable and unmerchantable timber as well as for distinguishing between material to be put to different uses and sold at different stumpage rates will be determined.

If it is found that purchasers can use logs of odd lengths a suitable provision will be included in the application. Tables and scale sticks for logs of odd lengths will be furnished upon request.

Camps and improvements.

If it will be necessary to construct logging camps or other buildings, telephone lines, flumes, or roads, their proposed location and disposition when logging is completed will be determined. The value of these improvements to the Forest Service will be considered, for example, the use of buildings for administrative purposes. If the improvements are not bought or retained by the Forest Service in pursuance of the contract, the purchaser will be allowed a definite period after completion of the logging for their removal. If they are not removed within this period they become the property of the United States.

Precautions against fire.

A careful study will be made of the precautions necessary to prevent fire. The clauses which will be included in the application in sales where special apparatus such as donkey engines are to be used will be determined. It will also be ascertained how many employees will be available for fire fighting.

Field data submitted as map, estimate, and report.

The data obtained in the examination will be forwarded to the supervisor in the form of a map, estimate, and report. In all advertised sales recommendations for marking must accompany the report where departures from the general marking rules are necessary.

Map.

Every report upon timber recommended for advertisement must contain at least one map. This must show not only the proposed sale area, but also its location with reference to the surrounding Forest, topographic features, such as ridges, streams, and roads, proposed roads, camps, and mill sites, lands under patent or claim, and surveyed lines, if any.

The map must include enough of the surrounding Forest to show that the timber applied for may be removed without rendering the surrounding timber inaccessible and unsalable. Burns, barren or open land, forest types, and the limits of merchantable timber on slopes will be shown so far as they affect the desirability of allowing the sale. Within the area applied for the forest type will be shown and the topography will be indicated in sufficient detail to demonstrate the ease or difficulty of logging the timber, and to show the natural boundaries of compartments or logging areas. In small sales one map will show all these data, so that maps for blocks are unnecessary the blocks being indicated by dotted lines; this map will be drawn to a scale of not less than 4 inches to the mile, and the forest atlas colors and symbols, as far as practicable, will be used.

Large tracts require location maps on a small scale, showing only the outline of the proposed cutting, the section lines or other location points, private lands, if any, and dotted lines to represent the accompanying block maps on a large scale. The latter may then be numerous and large enough to show necessary detail.

The proposed cutting area, as recommended by the examining officer and covered by his estimate and description, whether or not he agrees with the applicant, must always be clearly defined on the map; so must every part for which there is a separate estimate, description, or important recommendation.

When reconnaissance maps are available, the preparation of other maps in the field will usually be unnecessary.

Estimate.

The timber upon the definite cutting area recommended and shown on the map will always be estimated. If uncertain conditions of sale or differences between the Forest officer and the applicant make it likely that the area recommended may be extended or reduced, estimates for both the larger and the smaller area are required; otherwise the cutting area will be fixed and estimated without reference to other lands. Where applications for adjoining timber are expected, and where the whole body could be most economically examined at one time, the work of estimating may include a large area so that subsequent sales can be made without further estimating. In such cases the estimate of the cutting area covered by the present application must be kept separate and an estimate and report submitted for each additional area which comprises a natural logging operation. The same methods will be followed in estimating large bodies of timber which are to be sold. Whenever the Forest on different areas requires different treatment or different stumpage prices, the details of the estimates and report should clearly show such differences.

By separate types. When there is more than one forest type within the area examined, separate estimates for each type should be made.

Timber to be left. The Forest officer will submit an estimate of the merchantable timber which will be left after logging under the plan of cutting proposed. This estimate will include seed trees, young timber which it is inadvisable to cut, and timber of sizes or species not desired by the applicant and which can properly be left.

Grades of material. It is essential that the estimate include the percentages of the different grades of logs or of the different grades of lumber which will be cut in order that the market value of the product and stumpage value of the timber may be determined.

Intensity. The work of estimating will be done as carefully as conditions will allow. Only in the largest sales may less than 5 per cent of the total area be actually estimated, and whenever possible a much larger percentage will be taken. Estimates will be conservative, but overcuts should not ordinarily exceed 10 per cent of the estimate.

Forest description. The Forest description, which will follow the outline on Form 578a, will be in sufficient detail to show clearly all features of the proposed sale. Data on logging and milling costs must be complete in order that proper stumpage prices may be determined.

Nomenclature. When common names for trees are used the nomenclature in Bulletin 17, Check List of the Forest Trees of the United States, except as modified in Forest Trees of the Pacific Slope, will be used.

Explanation and demonstration to applicants. Where possible, Forest officers will explain to applicants on the ground, and preferably before the formal application is signed, all the requirements of the regulations and the special conditions which will be recommended in the sale under consideration. The Forest officer who prepares the application will be held responsible for the applicant's clear understanding of its conditions. The purchaser, however, should not be assured that his application will be approved or that the contract will contain certain provisions, except by the approving officer himself.

Reliability and financial standing of applicants. The reliability of an applicant and his reputation in the community will be ascertained. If he has previously made use of National Forest resources, his methods of business will be reported.

It will be possible in many cases to get information regarding the financial standing of applicants from the Credit Rating Book of the National Lumber Manufacturers' Credit Corporation, a copy of which is furnished to each district office.

Application to follow terms of contract. The application will follow, as nearly as possible, the form of the final contract in order that the purchaser may fully understand from the first the exact conditions of the sale.

Sales to actual purchasers only. Formal application, when required, must be made in every instance by the person who proposes to purchase the timber. Applications will not be received from a person acting for an undisclosed principal. Advertised sales will not be made to an officer of a corporation in his capacity as an individual when

the timber is intended for the use of the corporation and not his individual use.

Special clauses for applications and contracts.

The preceding discussion and the need of any of the following special clauses will be carefully considered in the preparation of the application. Necessary modifications will be made in the clauses given which supplement those printed on Form 202:

(1) Both marked and dead trees which are considered a fire menace by the Forest officer in charge will be felled, but only such portions of them as are merchantable under the terms of this contract will be logged and paid for; this does not include trees or stubs too short or small to be merchantable under the contract.

(2) We agree, when called upon by the Forest officer in charge, to furnish a number of men, sufficient in the judgment of the Forest supervisor, up to the number of our entire logging crew, to burn the brush and débris resulting from the cutting, under the supervision of the Forest officer.

(3) A fire line having a width of not less than ..... feet shall be cleared by the purchaser of all inflammable material, except stumps, whenever required by the Forest officer, along the boundaries of the cutting area and around groups of seed trees; such fire lines shall be constructed in a manner that will be satisfactory to the Forest officer.

(4) All engines and locomotives not burning oil for fuel used in logging on the National Forest shall be equipped with spark arresters that are satisfactory to the Forest officer in charge.

(5) The purchaser will burn the slash at such times and under such conditions as the Forest officer in charge may prescribe. [To be inserted in sales where it is safe and practicable for the purchaser to burn slashings, particularly where the season permits burning slash as it is cut.]

(6) All donkey or other steam-power engines not burning oil for fuel shall be equipped with a spark arrester satisfactory to the Forest officer, a steam pump, 200 feet of serviceable 1-inch hose, 6 buckets, and a constant supply of the equivalent of 6 barrels of water; all such equipment to be suitable and available for fire-fighting purposes.

(7) The maximum scaling length of all logs will be 16 feet; greater lengths will be scaled as two or more logs. Upon all logs 3 inches additional length will be allowed for trimming; logs overrunning the specified length will be scaled as 2 feet longer. [Insert in all sales including saw timber, except where other specific terms are agreed upon. A greater overrun may be allowed when necessary in sales of large timber.]

(8) Scaling will be done as often as practicable in the judgment of the Forest officer while cutting is in progress, and copies or abstracts of the scale reports will be furnished to the purchaser after they have been approved by the supervisor.

(9) All cordwood material will be piled in compact even stacks for measurement, as directed by the Forest officer.

(10) No timber fit for saw, mining, or tie timber or posts, in the judgment of the Forest officer, will be cut into cordwood.

(11) All hewn ties whose widest diameter inside the bark at the small end exceeds ..... inches and all with visible defect will be scaled as saw logs. The scaling diameter will be the widest measurement at the small end of the tie. Small hewn ties which are sound will be counted as .... to the M feet b. m.

(12) All marked or dead trees which contain one or more merchantable logs shall be cut. All logs that will saw out .... per cent of merchantable lumber shall be considered merchantable under the terms of this contract. (The per cent depending upon character of material and local market conditions. See discussion under "Merchantable material" (p. 52).)

(13) Tops will be used for mining timbers, cross-ties, posts and cordwood whenever possible.

(14) If necessary, in the judgment of the Forest officer, exceptions in the height to which stumps are to be cut may be made in the case of swell butted, fire scarred, or otherwise defective trees; the stumps, however, will be cut low enough to include their whole merchantable contents.

(15) Logs shall be decked or piled for scaling at places agreed upon with the Forest officer, with ends even on one side of the skidway or pile, and the length shall be marked on the small or scaling end of each log by the purchaser. Logs of different species or value shall, if required by the Forest officer, be decked or piled in separate piles.

(16) Green timber which will cut a log not less than .... inches in diameter at the top and not less than .... feet long, and for diameters over .... inches containing not less than .... per cent of merchantable lumber of any grade, and for smaller diameters not less than .... per cent of merchantable lumber of any grade will be considered merchantable. Dead timber which will cut a log not less than .... inches in diameter at the top and not less than .... per cent of merchantable lumber of any grade will be considered merchantable. [The diameters and per cents depending upon character of material and local market conditions.]

(17) If material suitable for saw timber in the judgment of the Forest officer is cut into cordwood, it shall be scaled and paid for at the same rate as if used for saw timber. [To be inserted in sales which include both cordwood and saw timber.]

(18) Unmerchantable timber may be used free of charge for construction purposes in connection with the sale.

(19) If donkey engines are used, the rigging shall be slung as far as practicable upon stumps, or marked trees, and when possible the grab hook shall be used in all cases rather than the wire choker.

(20) Camps, chutes, and other improvements will be removed from the sale area within six months from the termination of the contract, and if not so removed will become the property of the United States.

(21) Camps, flumes, roads, dams, bridges, chutes, and other improvements required in logging will be located as agreed with the Forest officer, and in accordance with such conditions as he may prescribe.

(22) This contract is intended to provide for logging in the woods by means of ..... Any other method of logging may be
(Indicate whether by horses, donkey engines, etc.)
employed only with the consent of the Forest officer approving this contract and under such conditions and restrictions as may be agreed upon with him. [To be inserted especially where there is a probability of substituting steam logging for other methods.]

(23) Cutting will begin at a point designated by the Forest officer, and will be confined to the least possible area which will yield the amount specified in this agreement. [To be inserted in all sales for a definite amount instead of for all merchantable timber on a given area.]

(24) All camp buildings and structures on the National Forest shall be located in a manner satisfactory to the Forest officers at a sufficient distance from any stream to prevent pollution of any city water supply.

(25) Not to exceed .... per cent of the merchantable timber [separate percentages to be designated for each species if advisable] will be reserved in marking. [Desirable in the larger sales to indicate definitely to the purchaser the proportion of the stand which he will be permitted to log.]

Clauses for insect-infested timber.

Special clauses, based on the recommendations of the Bureau of Entomology, will be inserted in contracts for the sale of insect-infested timber. These clauses must be specific in requiring that trees be cut, peeled, or sawed and brush disposed of, as the nature of the infestation requires, at the time required by Forest officers and by specified dates of each year.

ADMINISTRATION OF SALES—GENERAL.

The chief objects of timber-sale administration are to obtain the best forest conditions possible and complete utilization, with a minimum cost to the Service and prompt attention to the purchaser's needs.

Actual participation where possible and at least frequent personal supervision by supervisors, deputy supervisors, and Forest assistants of all woods work is essential, as is also close supervision by the officer in charge in order that the purchaser may know from the first exactly what will be required of him and that his expenses may not be increased by delayed changes in method.

Small sales.

Small sales are as important from a silvicultural standpoint as larger ones, consequently the methods used in each class which affect forest conditions must be given equal consideration. Small sales are more expensive proportionately

to handle than larger ones, and constant endeavor looking toward reducing costs is necessary. Scaling or measurement and woods work will not be conducted oftener than is essential to prevent unnecessary hardship to the purchaser and to insure compliance with the contract. Purchasers may justly be required to have cut for measurement or scaling amounts of timber which will make the visit of the Forest officer worth while, and may be expected to so arrange their business that more frequent visits will be unnecessary. The proper arrangement of dates for marking and scaling will result in great economy.

Large sales.

Forest officers should never lose an opportunity to reduce the cost or increase the efficiency of administering large sales if it will not defeat the objects desired. The more simple and definite the methods adopted, the less chance there is for poor work by Forest officers or misunderstandings by purchasers. The location of each year's cut must be carefully determined and, so far as possible, must cover average conditions for the whole sale. Since the proper administration of large sales depends largely upon the men placed in charge, supervisors will use the greatest care in their selection. Important work of this character will not be left to inexperienced men.

Compliance with contract.

Forest officers in charge of sales will see that the conditions of the contract are complied with, and should such conditions seem unjust or unreasonable, will take the proper steps to secure such necessary modifications as are authorized under regulation S–7. No Forest officer has been or will be authorized to allow the violation of a contract. A Forest officer can not properly handle a sale unless he has a copy of the contract and is familiar with its terms.

Subordinates.

Questions concerning logging methods, compliance with the contract, etc., will be taken up with the purchaser or his superintendent rather than with subordinate employees.

When cutting may begin.

Cutting may not begin in any sale until the contract has been executed or an advance cutting agreement has been executed and approved, the timber designated, the necessary deposits made and the Forest officer in charge furnished with a copy of the contract. In unadvertised sales it must also be definitely known that the contract is or will be approved. In advertised sales, if other requirements are satisfied, cutting may follow the execution and need not await formal approval of the contract.

MARKING.

Methods.

When the sale of any green timber is assured, the supervisor will see that all trees which are to be cut are marked or otherwise unmistakably designated for cutting. Where only dead timber is purchased and no living timber will be cut, or where patches are to be cut clean, Forest officers may, instead of marking or designating every tree for cutting, blaze and mark the boundary of the cutting area or patch and instruct the purchaser in the manner of cutting. Merchantable dead trees, about which there may be a question, will always be marked, except where the contract contains a clause providing for the cutting of all dead timber.

When the plan of marking is followed, standing timber must be marked "U. S." near the ground, so that every stump will show the mark. Where snow may conceal the marking from the cutters, each tree must also be marked at a point several feet from the ground.

On thick-barked trees where chopping through to the wood means considerable extra work and expense, and where cutting is to take place in the near future, the bark may be blazed and stamped "U. S." Usually it is inadvisable to mark timber a long time in advance of cutting, but where this is necessary for any reason, officers should cut through to and stamp the wood plainly. The marking must be such that the stamp will be distinct at the time of cutting, and as long after cutting as is necessary for inspection.

Timber should be marked when it can be done most economically; the work will not, however, be done too far in advance and the cut-over area will be watched for mistakes. In no case should timber be marked outside the area designated in the contract. In a sale for a definite amount, only timber enough to yield that amount will be marked. The marking will be done thoroughly, and no large groups of mature trees will be left on the area unless so isolated that the purchaser can not reasonably be required to log them.

Demonstration to purchaser.

The system of marking and the proportion of the timber to be cut should be carefully explained to purchasers by marking sample areas before a sale is consummated. While the desires of purchasers must be very carefully considered, the silvicultural needs of the Forest must take precedence over other considerations, even at a sacrifice in present stumpage rates.

Since the marking of green timber is the most important part of any sale, it is much better to demonstrate on the ground to the Forest officers who will do the work how the marking should be done than to send out written instructions and criticize the work after it is done.

District marking board.

Whenever possible in large sales, a marking board, consisting of the district forester, the chief of silviculture, and the Forest supervisor, will mark representative areas and establish the marking policy to be followed in the sale. The action of the board will be binding upon Forest officers doing the marking, and no change will be made in the system without referring the matter to the district forester.

Marking by supervisors.

Personal marking by supervisors and deputies will take precedence over ordinary routine, and supervisors or deputies will assist in the first marking in important sales. Supervisors, either personally or through their deputies, are expected to check the work of marking frequently enough to make sure that it is being properly done.

Experienced men for marking.

Every advantage will be taken of the services of men with technical training, but men without timber-sale experience, even if technically trained, will not be placed in charge of important marking projects.

General instructions.

The following instructions for marking are general, and can not all be applied in any specific case. Modified to meet local conditions, they will serve as a basis for marking in all sales and in administrative and free use. The district forester may wherever advisable supplement these instructions with detailed instructions for the types in the district.

It may be advisable to keep a record of the volume of the trees marked and of the trees left to secure an idea of the percentage of timber reserved.

General policy.

Marking in all sales must be such as will insure the best forest growth after cutting consistent with practicable logging operations. All other terms of the sale will be subordinated to this end. As far as type conditions permit, this marking should leave on the ground sufficient timber for a second cut within a period of 50 years or less. Even if clear cutting is necessary, usually not less than one-fourth of the original stand should be retained in groups of seed trees to insure complete restocking.

Mature and defective trees.

All mature and overmature trees will be marked, except when required for seed or protection. Similarly, all trees which show such defects as punk knots, spike tops, bad crooks, low forks, fire scars, cat faces, or frost cracks, will be marked. The officer doing the marking will not be unreasonable in requiring purchasers to take defective trees, but as a general rule those which will yield one merchantable log will be marked.

Diameter limits.

An approximate diameter limit, if one is given in the contract, will be flexible. Thrifty, rapidly growing trees of desirable species will not be marked, even if larger than the stated diameter. Defective trees of any size which can be utilized will be marked, unless needed for seed or protection.

Conservative marking.

The need of an early second cut, as well as the necessity of rapidly cutting over all areas of mature and deteriorating timber so as to increase the rate of growth of the remaining stand, will be carefully weighed before deciding upon the method of marking to be employed. Where the danger of windfall is great only a light cutting may be advisable, or groups of seed trees may be left where individual trees would be wind thrown. Particularly conservative marking may be advisable to protect the watershed, to prevent erosion, to retain the scenic value of the Forest along important roads, and at the lower limits of types where heavy cutting might result in the encouragement of less desirable species. On steep slopes and exposed ridges the particular need for forest cover and the paramount value of trees as seed bearers must be given consideration. Where the system of cutting plans for a second cut within 20 to 50 years, enough timber should be left to make the second cut practical from a lumberman's standpoint.

Trees left with crowns free.

Each tree will be left, when possible, with its crown free enough for vigorous growth. If usable, trees which have been badly crowded and have only small, sickly crowns will be marked unless needed for the preservation of proper soil conditions or for other silvical reasons.

Seed trees.

Seed trees must be left where there are not enough young trees to form a good stand in the future, and the trees which would otherwise be left are not sufficient in number to properly seed up the area. Seed trees should be thrifty and capable of bearing large quantities of seed at once. Occasionally it will be possible to use trees too misshapen or defective to be mer-

chantable, but as a rule, young, thrifty, full-crowned trees, which will yield good lumber in the future, will be chosen. In mixed forests seed trees should be of the more valuable species, but poorer species are better than none. In situations where logging is difficult, the possibility of logging individual trees will be considered.

Where partial reproduction is present, fewer seed trees should be left than where there are no seedlings. If there is danger that fire will run over the area, enough trees will be left to seed the ground fully, whether reproduction is present or not. Large openings will not be made where the future forest will suffer. A number of seed trees will always be left on the edge of openings, such as old burns, on the side from which the prevailing winds blow. Ridges should be marked very conservatively. Isolated, thrifty trees of desirable species should not be marked.

It is best to first decide which trees should be left, and then mark the trees to be removed. Where there is doubt whether a tree is needed for seed or protection, it should be retained. Defective trees of doubtful merchantable value should ordinarily be marked. Correct marking can only be determined after a careful study of local types and species.

Clean cutting. In dense stands of even-aged timber, particularly of species liable to wind throw, clear cutting may be the only practicable method. In such cases, compact groups or patches of timber, of sufficient size to be wind firm should be left at frequent intervals to insure restocking. The areas cut clean should never be so large as to endanger complete reseeding from the patches of timber which will remain. The latter should be located as far as practicable upon the higher ground and other points favorable to wide distribution of seed.

Check marking. It is usually advisable for a Forest officer thoroughly familiar with the principles which have been followed in the original marking, to check the marking before the sawyers and loggers have left any area, in order to mark any trees which were obviously overlooked, or, better still, just before operations have reached an area, in order also to cancel the marks on trees which should be left.

Witness and line trees. Witness trees, or any trees blazed to mark the line of any official Government survey, will never be marked or otherwise designated for cutting.

Timber on claims. The policy in regard to cutting timber on claims, on pages 38 and 39, will be observed in marking.

BRUSH DISPOSAL.

The best way to dispose of brush is not everywhere the same. Piling and burning will be required where the fire risk is great, otherwise the method promising the best silvicultural results.

Piling. If piling and burning is necessary, all lops and débris, including large chips made from hewing ties, will be piled at a safe distance from standing trees. The piles will not be made in groups of seedlings or young growth, against dead snags, near living trees, or on stumps, large tops or logs, but whenever possible in openings. Piles should be adapted to the size of

the opening in which they are made and sufficiently compact to kindle easily and burn cleanly. Limbs or trimmed tops too large to burn well need not be piled, but may be left on the ground to rot. The ideal pile is of medium size, conical in shape, compact, 5 to 7 feet in diameter at the base, and 4 or 5 feet high.

Postponement of piling.

When brush can not be piled on account of snow, and the contract does not provide for postponement, the necessary modification should be granted by the proper Forest officer, in accordance with the instructions on page 33.

Scattering.

Brush will be scattered whenever this method promises the best silvicultural results, unless there is serious danger of fire, or where there is dense timber or reproduction. The scattered brush should be dense enough to afford actual protection to seedlings from evaporation or trampling by stock and to the soil from erosion. Ordinarily brush will be lopped so as to lie not higher than 2 feet from the ground. Less careful work may be sufficient in openings where the object is to keep cattle or other stock away from expected reproduction.

Ground burning.

Ground burning may be advisable where clean cutting has been employed, to expose the loose, mineral soil for better seed germination.

Where ground burning is adopted, the brush and débris will be left unpiled until conditions make it safe to burn the entire slashing. To follow this plan the agreement must require the purchaser to clear a fire line around the area to be burned and around all patches of timber within it which are to be left, and to furnish adequate help to the Forest officer who supervises the burning.

Burning as cutting progresses.

Frequently the most economical way to dispose of brush, if weather conditions are suitable, is to burn it as the cutting progresses. Fires can be started at convenient points and the brush thrown on them as it is lopped. This is often feasible after light snow falls.

Burning brush piles.

Brush burning is necessary whenever there is danger of fire, but ordinarily is not advisable over an entire sale area. It is frequently possible to burn the brush so as to form broad fire lines, particularly along railroads or wagon roads, laid out so as to do the least injury to young growth. Fire lines will ordinarily follow ridges rather than canyons and will be laid out according to the topography. Where to burn brush completely means damage to reproduction, unburned piles will be left, if they are not too close together. The effect of burning on grazing and future reproduction will be carefully weighed.

Time.

The best times for brush burning are after a light fall of snow or rain, early in the spring before the snow has melted or the dry season has begun, or during or immediately after summer rains.

Brush from insect infested or fungus infected trees.

The proper method of disposing of brush from insect-infested trees must depend upon the habits of the insects by which the trees are attacked. The brush from fungus or mistletoe infected trees which constitute a menace will be burned.

Rate of disposal.

Brush disposal must always keep pace with logging, except when the depth of snow or other adequate reasons make proper disposal at the time impossible. Frequent inspection is necessary to see that the contract is being fulfilled in this respect.

Detailed instructions.

District foresters will, wherever necessary or advisable, issue more detailed instructions for the disposal of brush in types found in the district.

SCALING.

Unless timber is sold on the basis of an estimate, as is occasionally done in timber settlement, it must be scaled, counted, or measured before it is removed from the cutting area, or from the place agreed upon for the scaling, counting, or measuring.

Scale rule.

All saw timber will be scaled by the Scribner Decimal C log rule. This rule drops the units and gives the contents of a log to the nearest 10. When the total scale of a log is desired, all that is necessary is to add one cipher to the sum of the numbers read from the scale stick, excepting the contents of 6 and 8 foot logs, 6 and 7 inches in diameter. These are given as 0.5, which multiplied by 10 gives 5 feet as the actual contents.

In the absence of a scale stick, or where the position of logs in the pile makes its use difficult, the diameters and lengths may be tallied and the contents figured from a scale table later.

Requirements of purchasers.

In order to decrease cost, purchasers may be required to skid logs for scaling, unless the cost of logging will be greatly increased by such requirement. Whenever this requirement is made it should be covered by an appropriate clause in the contract.

The Forest officer should always insist on having one end of piles or skidways even, so that the ends of logs may be easily reached.

When necessary and possible, the purchaser will be required to mark top ends of logs to avoid question when they are scaled in the pile.

Numbering logs.

Each log scaled must be numbered with crayon. The number will be the same as that opposite which the scale of the log is recorded in the scale book.

Check on total number of logs.

The logs in all skidways must be counted, and the number in each pile checked with the entries in the scale book.

Stamping logs.

Each merchantable log after scaling will be stamped "U. S." on at least one end. Logs so defective as to be unmerchantable will not be stamped, but will be marked "Cull."

Log lengths in scaling.

On all National Forests except those in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon, logs over 16 feet long will be scaled as two or more logs, if possible in lengths not less than 12 feet.

The following table shows how the lengths may be divided when scaling logs 18 to 60 feet long. The number of inches to be added to the diameter at the small end of each log, to cover taper, is placed under each length.

For example, a 42-foot log 16 inches in diameter at the top would be scaled as—

One 12-foot log with a diameter of 16 inches.
One 14-foot log with a diameter of 17 inches.
One 16-foot log with a diameter of 19 inches.

Total length, feet.	Log lengths.				Total length, feet.	Log lengths.			
	Butt log.	Second log.	Third log.	Top log.		Butt log.	Second log.	Third log.	Top log.
18 feet	10	.....	.....	8	40 feet	16	12	.....	12
Increase inches	1	.....	.....	0	Increase inches	3	1	.....	0
20 feet	10	.....	.....	10	42 feet	16	14	.....	12
Increase inches	1	.....	.....	0	Increase inches	3	1	.....	0
22 feet	12	.....	.....	10	44 feet	16	16	.....	12
Increase inches	1	.....	.....	0	Increase inches	3	1	.....	0
24 feet	14	.....	.....	10	46 feet	16	16	.....	14
Increase inches	1	.....	.....	0	Increase inches	4	2	.....	0
26 feet	14	.....	.....	12	48 feet	16	16	.....	16
Increase inches	1	.....	.....	0	Increase inches	4	2	.....	0
28 feet	14	.....	.....	14	50 feet	14	12	12	12
Increase inches	2	.....	.....	0	Increase inches	4	3	1	0
30 feet	16	.....	.....	14	52 feet	16	12	12	12
Increase inches	2	.....	.....	0	Increase inches	4	3	1	0
32 feet	16	.....	.....	16	54 feet	16	14	12	12
Increase inches	2	.....	.....	0	Increase inches	5	3	1	0
34 feet	12	12	.....	10	56 feet	16	16	12	12
Increase inches	3	1	.....	0	Increase inches	5	3	1	0
36 feet	12	12	.....	12	58 feet	16	16	14	12
Increase inches	3	1	.....	0	Increase inches	5	3	2	0
38 feet	14	12	.....	12	60 feet	16	16	14	14
Increase inches	3	1	.....	0	Increase inches	5	3	2	0

This table is intended to be used simply as a guide. The allowances for taper should be varied to conform to the actual taper.

Special rule for Alaska and west slope of Cascades.

On the National Forests in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon, logs up to and including 32 feet long will be scaled as one log; lengths from 34 feet to 64 feet, inclusive, will be scaled as two logs, dividing them at the center as near as may be in even feet; for example, a 34-foot log will be scaled as an 18-foot and a 16-foot top log. The diameter of the larger log may be determined by taking the average of the top and butt diameters of the whole length or by calipering or estimated by the scaler with the help of a taper table. A 36-foot log will be scaled as two 18-foot logs. This does not apply to lengths including rapidly tapering butt cuts. The lengths and tapers for such logs can be judged by the scaler. Greater lengths than 64 feet will be scaled as three logs, making the divisions as nearly equal as possible and in even feet, and increasing the diameters according to the taper of the log.

When the logs are scaled as two or more logs, the scale allowed for the separate lengths will be added and the total sum recorded as one log.

Factors considered in scaling.

While no hard and fast rules can be given or followed, certain general principles may be laid down. They must, however, be used with judgment by the scaler and varied wherever the conditions demand. Among the points which must be considered are the size and shape of the logs, the quality as affected by various kinds of defects, the size and location of defect, and the requirements and limitations of markets.

Unnecessary loss in manufacture not considered.

It is assumed that purchasers utilize the maximum amount of material in manufacture. Since the Government can not be held responsible for loss caused by poor equipment or poor management, the scaler should not take them into consideration.

Loss may be caused by too thick slabbing; cutting material too thick or too wide at the main saw; poorly "sized" lumber; excessive "crowding" by the sawyer; poorly kept saws which "run;" waste in edging and trimming through ignorance or carelessness; sawing for a certain class of material regardless of the quantity of waste this involves.

Measuring log lengths.

It is important that measurement of lengths be made frequently enough to be sure that logs do not exceed the allowance for trimming specified in the contract.

If the scaler finds frequent violations, he will measure every log, and all logs found overrunning the trimming allowance will be scaled as if 2 feet longer, or 1 foot longer where the contract provides for odd lengths. Penalty scaling will be noted in the scale book against the number of the log so scaled to avoid possible controversy.

Frequent measuring is especially important on small sales where a Forest officer is not always present, because sawyers are more apt to be lax in measuring than when an officer is daily checking lengths.

Logs will be scaled in odd lengths if provided for in the contract.

Finding diameters.

All diameters will be measured inside the bark at the top end of the log. If logs are not round, scalers will average the greatest diameter inside the bark at the top end of the log with the diameter at right angles to this. The necessary reduction in diameter will be made for swelling at the scaling end of a log when no lumber can be produced from it.

Diameters will be rounded off to the nearest inch above or below the actual diameter.

Defects in logs.

Any portion of a log which contains a fault which prevents its manufacture into merchantable lumber is cull, and will not be scaled and charged to the purchaser.

The following defects are most common:

Uniform center or circular rot, circular shake, pin dote, ground or stump rot, cat face, dote at side of log extending to the bark, burns or defect caused by lightning extending along side of log, defect caused by lightning extending along the log in spiral form, punky or soft sap, deep checks or seams, dote appearing in knots, curve, or sweep, crooks, crotches, and blue sap.

Merchantable material.

In general, a log containing sufficient sound material to saw out salable lumber equal to one-third of its contents as given by the scale rule is termed "merchantable." This will be varied in accordance with the character of the timber and local market conditions.

The term "sound material" is here used to signify such material as will produce lumber grading not below No. 3 common, or the lowest grade commonly merchantable in the markets supplied. Supervisors will, wherever advisable, furnish scalers with specifications of No. 3 common lumber, or the lowest grade commonly merchantable, from the grading rules of the recognized lumber associations in the vicinity of their Forests. The scaler is not expected to be a grader, but the

grading rules will assist him in determining where to draw the line between merchantable and unmerchantable timber.

Uniform center or circular rot.

Under uniform center or circular rot may be included circular "heart rot" or any dote that may be roughly included within a circle on the cross section showing at either end of a log, making all of the log within the circle unmerchantable. In sawing, this area of defect is squared. The accompanying table shows the amounts of lumber which are lost in defects of this type, in diameters of 2 to 12 inches in the more common log lengths, and which should be deducted from the full scale of the log. Amounts for shorter or longer logs can be obtained as follows: For 6 or 8 foot logs, deduct one-half the amount of loss, which is the same for defect of a given diameter in a 16-inch log as in one of 30-inch diameter.

The actual loss caused by uniform circular rot as shown by the diagram, is also shown in accordance with the rules of adding 2, 3, and 4 inches, respectively, to the diameter of the defect, and deducting from the full scale of the log an amount equal to the contents of a log of the resultant diameter.

Diameter of defect.	Loss shown by diagram.				By adding 2 inches.				By adding 3 inches.				By adding 4 inches.			
	Log lengths—				Log lengths—				Log lengths—				Log lengths—			
	10	12	14	16	10	12	14	16	10	12	14	16	10	12	14	16
2 inches	3⅓	4	4⅔	5⅓	....	....	....	....	....	....	....	....	....	....	....	....
4 inches	13⅓	16	18⅔	21⅓	10	10	10	10	10	20	20	30	20	20	20	20
6 inches	25	30	35	40	20	20	20	30	30	30	30	40	30	30	40	60
8 inches	46⅔	56	65⅓	74⅔	30	30	40	60	40	40	50	70	50	60	70	80
10 inches	66⅔	80	93⅓	106⅔	50	60	70	80	60	70	80	100	70	90	100	110
12 inches	100	120	140	160	70	90	100	110	90	110	120	140	100	120	140	160

By referring to the table it will be seen that the following rules can be used to obtain the desired results:

For uniform defect 3 inches or less in diameter deduct 10 feet b. m. in logs up to 16 feet in length.

For defect 4 to 6 inches in diameter add 3 inches to actual diameter of rot, and deduct from the full scale of the log an amount equal to the contents of a log of the resultant diameter.

For defect 7 to 12 inches in diameter add 4 inches to diameter of rot and deduct an amount equal to the contents of a log of the resultant diameter from full scale of log.

Only experience gained by actually seeing defective logs "opened" at the saw will enable scalers to judge how far into a log defect extends when it appears only at one end.

In short logs showing defect less than 4 inches in diameter at only one end and not in the knots deduct one-half the amount called for by the rule for the full length of the log.

In measuring the diameter of this type of rot the scaler should measure it at the end of the log showing the greatest area of defect, since the saw cuts in straight parallel lines.

Circular shake. The rule given for circular rot may be used in determining the amount of loss caused by shake by finding the diameter of the portion of the log included within the outer "ring" of shake. If there is at the center of the log a core of sound timber of merchantable size, inside of the shake "rings," the core will be scaled as a log and the difference between its contents and the amount to be deducted is the net deduction from the full scale.

Pin dote. Pin dote appears on the cross section at the end of a log in the form of little rotten spots usually scattered in a roughly circular area. Logs containing it may "open up" poorly, the doty spots frequently converging and forming a mass of poor material. It sometimes extends into knots, and generally, if the visible area affected is 4 or more inches in diameter, it should be deducted as in circular rot.

Ground or stump rot. Ground or stump rot is found in butt logs, usually appearing in the form of brown, dry punk. It seldom extends far into the log, and usually tapers to a point. If it joins center rot from above, the defect falls within the center or circular rot class.

Where stump rot occupies the center of the log to within a short distance of the bark, a sufficient deduction can be made from the length of the log. In addition, a small allowance for the defect may also be made, since it may occur in the log above the section dropped. The responsibility of the sawyers in butting unusually defective logs and in adjusting log lengths so as to eliminate defect should be determined before scaling.

The scaler must exercise judgment in such cases, considering the relative diameter of the defect as compared with the diameter of the butt and sighting along the log to see if any boards can be cut between the rot and the bark. Where this defect occurs at only one side of the butt, it usually extends only a short distance into the log, and frequently much of it will come out in the slab, especially where there is considerable "flare" or swell.

Cat face. Deductions for cat face can be determined by dividing a log into sections as follows: Consider what proportion of the length of log is affected; find the contents of this section on a scale stick, then determine the proportion of the section that will be lost in sawing, and deduct this amount.

For example, in the butt of a 16-foot log with a top diameter of 24 inches, which scales 400 feet b. m., there is a large cat face about 5 feet long which extends to the heart of the log. The cat face tapers toward its top, where it will come out in slabbing, and affects about 4 feet of the log. The 4-foot section affected will contain one-fourth of the log scale, or 100 feet b. m. The defect includes one-half of the 4-foot section, or 50 feet b. m., which should be deducted. Here again judgment must be used. While the defect may extend to the heart at the point of cutting on the stump, it may taper rapidly toward its top and perhaps affect only one-third or less of the section.

Other defects in the side of the log. The scaler should never lose sight of the fact that the percentage of loss caused by defects located at the side of a log is much less than when they occur near the center, since in the former case much of the defect will come out in slabbing. This is especially true of the butt of

the first log where the flare or swell is considerable at the point of cutting.

In culling for dote on one side of a log extending to the bark, burns or other defects caused by lightning extending along the side of the log, the scaler should consider how far toward the heart they extend, and by estimating the percentage affected determine upon suitable deductions.

Since they do not usually run deep and can be mostly removed in slabbing, defects caused by lightning extending spirally along a log do not affect the scale. The percentage of loss is proportionately greater in small logs than in large ones.

Punky or unsound sap. Where a shell of unsound sap occurs, only the sound heartwood will be measured.

Blue sap. Sound blue sap does not render a board unmerchantable, but the scaler should be certain that it is not insect eaten. The fault occurs most frequently in dead trees, but may sometimes be found to affect dying trees. Oftentimes logs containing it are slightly punky at the outside, and as a rule, if the scaler in measuring the diameter includes the sap on one side of the log only, discarding the other sap, the result will be satisfactory.

Deep checks or seams. Deep checks or seams are usually found in dead and dry trees and affect the scale in varying degree, depending upon the number of checks, their depth, etc. Almost always they extend through the sap and frequently into the heartwood. Where they affect the sap alone, the rule for culling for defective sap will apply; where the checks are small, it is fairly certain they affect the sapwood only; but when they are of considerable width they usually affect the heartwood, and proper deductions should be made.

Where only one deep, straight check occurs in a log the loss is very small, but where many seams are found the method given for use in the case of deep spiral checks can be followed.

Deep spiral checks. Where deep spiral checks are found, the scaler will measure the diameter of the portion of the log included within the largest circle which can be described on a cross section without being materially affected by the checks and class as defective all that part of the log outside the area defined by the circle.

Dote appearing in knots. Rot in the log is sometimes shown only by an examination of the knots, and the only method of determining the proper deduction is to see such logs "opened up."

When rot appears at the ends of a log and also in the knots, the deduction depending on the number of knots affected, their size, position, etc., should be from 10 to 50 per cent greater than when it appears at the ends alone. When dote appears in the knots, it indicates that the area of rot enlarges in the portion of the log near the knots.

Curve or sweep. The percentage of a log affected by sweep or curve varies acccording to the diameter of the log. An amount of curve that might cull a very small log would not necessarily cause the rejection of a larger log.

The scaler should, when possible, sight along curved logs, noting where the saw would square the log sufficiently to enable boards to

be cut on both sides affected by the curve, thus determining the amount of loss caused by the sweep. It should be remembered that boards sawed near the slab are always narrower and contain fewer board feet than those sawed from the balance of the log.

No deduction should be made for curve or sweep in logs over 16 feet long.

Crotches.

Except in rare cases, crotches do not affect the scale of logs sufficiently to require deductions. If sawyers do their work properly they will cut back on the log sufficiently to eliminate the part affected by the crotch.

The scaler should obtain the average diameter of the log immediately below the enlargement caused by the crotch.

Scribner Decimal "C" Log Rule.

FOR LOGS UP TO AND INCLUDING 32 FEET IN LENGTH.

[Contents of logs.]

Diameter in inches.	Length (feet)—													
	6	8	10	12	14	16	18[1]	20	22	24	26	28	30	32
	Board feet.	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*	*Board feet.*
6	0.5	0.5	1	1	1	2	2	2	3	3	3	4	4	5
7	0.5	1	1	2	2	3	3	3	4	4	4	5	5	6
8	1	1	2	2	2	3	3	3	4	4	5	6	6	7
9	1	2	3	3	3	4	4	4	5	6	6	7	8	9
10	2	3	3	3	4	6	6	7	8	9	9	10	11	12
11	2	3	4	4	5	7	8	8	9	10	11	12	13	14
12	3	4	5	6	7	8	9	10	11	12	13	14	15	16
13	4	5	6	7	8	10	11	12	13	15	16	17	18	19
14	4	6	7	9	10	11	13	14	16	17	19	20	21	23
15	5	7	9	11	12	14	16	18	20	21	23	25	27	28
16	6	8	10	12	14	16	18	20	22	24	26	28	30	32
17	7	9	12	14	16	18	21	23	25	28	30	32	35	37
18	8	11	13	16	19	21	24	27	29	32	35	37	40	43
19	9	12	15	18	21	24	27	30	33	36	39	42	45	48
20	11	14	17	21	24	28	31	35	38	42	45	49	52	56
21	12	15	19	23	27	30	34	38	42	46	49	53	57	61
22	13	17	21	25	29	33	38	42	46	50	54	58	63	67
23	14	19	23	28	33	38	42	47	52	57	61	66	71	75
24	15	21	25	30	35	40	45	50	55	61	66	71	76	81
25	17	23	29	34	40	46	52	57	63	69	75	80	86	92
26	19	25	31	37	44	50	56	62	69	75	82	88	94	100
27	21	27	34	41	48	55	62	68	75	82	89	96	103	110
28	22	29	36	44	51	58	65	73	80	87	95	102	109	116
29	23	31	38	46	53	61	68	76	84	91	99	107	114	122
30	25	33	41	49	57	66	74	82	90	99	107	115	123	131
31	27	36	44	53	62	71	80	89	98	106	115	124	133	142
32	28	37	46	55	64	74	83	92	101	110	120	129	138	147
33	29	39	49	59	69	78	88	98	108	118	127	137	147	157
34	30	40	50	60	70	80	90	100	110	120	130	140	150	160
35	33	44	55	66	77	88	98	109	120	131	142	153	164	175
36	35	46	58	69	81	92	104	115	127	138	150	161	173	185
37	39	51	64	77	90	103	116	129	142	154	167	180	193	206
38	40	54	67	80	93	107	120	133	147	160	174	187	200	214
39	42	56	70	84	98	112	126	140	154	168	182	196	210	224
40	45	60	75	90	105	120	135	150	166	181	196	211	226	241
41	48	64	79	95	111	127	143	159	175	191	207	223	238	254
42	50	67	84	101	117	134	151	168	185	201	218	235	252	269
43	52	70	87	105	122	140	157	174	192	209	227	244	262	279
44	56	74	93	111	129	148	166	185	204	222	241	259	278	296
45	57	76	95	114	133	152	171	190	209	228	247	266	286	304
46	59	79	99	119	139	159	178	198	218	238	258	278	297	317
47	62	83	104	124	145	166	186	207	228	248	269	290	310	331
48	65	86	108	130	151	173	194	216	238	260	281	302	324	346
49	67	90	112	135	157	180	202	225	247	270	292	314	337	359
50	70	94	117	140	164	187	211	234	257	281	304	328	351	374
51	73	97	122	146	170	195	219	243	268	292	315	341	365	389
52	76	101	127	152	177	202	228	253	278	304	329	354	380	405

Scribner Decimal "C" Log Rule—Continued.

Diameter in inches.	Length (feet)—													
	6	8	10	12	14	16	18[1]	20	22	24	26	28	30	32
	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.	Board feet.
53	79	105	132	158	184	210	237	263	289	316	341	368	395	421
54	82	109	137	164	191	218	246	273	300	328	355	382	410	437
55	85	113	142	170	198	227	255	283	312	340	368	397	425	453
56	88	118	147	176	206	235	264	294	323	353	382	411	441	470
57	91	122	152	183	213	244	274	304	335	365	396	426	457	487
58	95	126	158	189	221	252	284	315	347	379	410	442	473	505
59	98	131	163	196	229	261	294	327	359	392	425	457	490	523
60	101	135	169	203	237	270	304	338	372	406	439	473	507	541
61	105	140	175	210	245	280	315	350	385	420	455	490	525	560
62	108	145	181	217	253	289	325	362	398	434	470	506	542	579
63	112	149	187	224	261	299	336	373	411	448	485	523	560	597
64	116	154	193	232	270	309	348	387	425	464	503	541	580	619
65	119	159	199	239	279	319	358	398	438	478	518	558	597	637
66	123	164	206	247	288	329	370	412	453	494	535	576	617	659
67	127	170	212	254	297	339	381	423	466	508	550	593	635	677
68	131	175	219	262	306	350	393	437	480	524	568	611	655	699
69	135	180	226	271	316	361	406	452	497	542	587	632	677	723
70	139	186	232	279	325	372	419	465	512	558	605	651	698	744
71	144	192	240	287	335	383	430	478	526	574	622	670	717	765
72	148	197	247	296	345	395	444	493	543	592	641	691	740	789
73	152	203	254	305	356	406	457	508	559	610	661	712	762	813
74	157	209	261	314	366	418	471	523	576	628	680	733	785	837
75	161	215	269	323	377	430	484	538	592	646	700	754	807	861
76	166	221	277	332	387	443	498	553	609	664	719	775	830	885
77	171	228	285	341	398	455	511	568	625	682	739	796	852	909
78	176	234	293	351	410	468	527	585	644	702	761	819	878	936
79	180	240	301	361	421	481	541	602	662	722	782	842	902	963
80	185	247	309	371	432	494	556	618	680	742	804	866	927	989
81	190	254	317	381	444	508	572	635	699	762	826	889	953	1,016
82	196	261	326	391	456	521	586	652	717	782	847	912	977	1,043
83	201	268	335	401	468	535	601	668	735	802	869	936	1,002	1,069
84	206	275	343	412	481	549	618	687	755	824	893	961	1,030	1,099
85	210	281	351	421	491	561	631	702	772	842	912	982	1,052	1,123
86	215	287	359	431	503	575	646	718	790	862	934	1,006	1,077	1,149
87	221	295	368	442	516	589	663	737	810	884	958	1,031	1,105	1,179
88	226	301	377	452	527	603	678	753	829	904	979	1,055	1,130	1,205
89	231	308	385	462	539	616	693	770	847	924	1,001	1,078	1,155	1,232
90	236	315	393	472	551	629	708	787	865	944	1,023	1,101	1,180	1,259
91	241	322	402	483	563	644	725	805	886	966	1,047	1,127	1,208	1,288
92	246	329	411	493	575	657	739	822	904	986	1,068	1,150	1,232	1,315
93	251	335	419	503	587	671	754	838	922	1,006	1,090	1,174	1,257	1,341
94	257	343	428	514	600	685	771	857	942	1,028	1,114	1,199	1,285	1,371
95	262	350	437	525	612	700	788	875	963	1,050	1,138	1,225	1,313	1,400
96	268	357	446	536	625	715	804	893	983	1,072	1,161	1,251	1,340	1,429
97	273	364	455	546	637	728	819	910	1,001	1,092	1,183	1,274	1,365	1,456
98	278	371	464	557	650	743	835	928	1,021	1,114	1,207	1,300	1,392	1,485
99	284	379	473	568	663	757	852	947	1,041	1,136	1,231	1,325	1,420	1,515
100	289	386	482	579	675	772	869	965	1,062	1,158	1,255	1,351	1,448	1,544
101	295	393	492	590	688	787	885	983	1,082	1,180	1,278	1,377	1,475	1,573
102	301	401	502	602	702	803	903	1,003	1,104	1,204	1,304	1,405	1,505	1,605
103	307	409	512	614	716	819	921	1,023	1,126	1,228	1,330	1,433	1,535	1,637
104	313	417	522	626	730	835	939	1,043	1,148	1,252	1,356	1,461	1,565	1,669
105	319	425	532	638	744	851	957	1,063	1,170	1,276	1,382	1,489	1,595	1,701
106	325	433	542	650	758	867	975	1,083	1,192	1,300	1,408	1,517	1,625	1,733
107	331	442	553	663	773	884	995	1,105	1,216	1,326	1,437	1,547	1,658	1,768
108	337	450	563	675	788	900	1,013	1,125	1,238	1,350	1,463	1,575	1,688	1,800
109	344	459	573	688	803	917	1,032	1,147	1,261	1,376	1,491	1,605	1,720	1,835
110	350	467	583	700	817	933	1,050	1,167	1,283	1,400	1,517	1,633	1,750	1,867
111	356	475	594	713	832	951	1,069	1,188	1,307	1,426	1,545	1,664	1,782	1,901
112	362	483	604	725	846	967	1,087	1,208	1,329	1,450	1,571	1,692	1,812	1,933
113	369	492	615	738	861	984	1,107	1,230	1,353	1,476	1,599	1,722	1,845	1,968
114	375	501	626	751	876	1,001	1,126	1,252	1,377	1,502	1,627	1,752	1,877	2,003
115	382	509	637	764	891	1,019	1,146	1,273	1,401	1,528	1,655	1,783	1,910	2,037
116	389	519	648	778	908	1,037	1,167	1,297	1,426	1,556	1,686	1,815	1,945	2,075
117	396	528	660	792	924	1,056	1,188	1,320	1,452	1,584	1,716	1,848	1,980	2,112
118	403	537	672	806	940	1,075	1,209	1,343	1,478	1,612	1,746	1,881	2,015	2,149
119	410	547	683	820	957	1,093	1,230	1,367	1,503	1,640	1,777	1,913	2,050	2,187
120	417	556	695	834	973	1,112	1,251	1,390	1,529	1,668	1,807	1,946	2,085	2,224

[1] Scale for logs 18 to 32 feet in length to be used only on National Forests in Alaska and on the West slope of the Cascade Mountains in Washington and Oregon, or as otherwise provided by specific instructions from the Forester.

Ties. Ties may be sold by the piece, actually scaled, or counted and the number multiplied by the average contents, as the contract provides. The following ratios may be used:

Eight-foot ties, standard face, 33⅓ board feet each, may be used, or 30 ties to the thousand; 8-foot ties, second class, and 6-foot ties, standard face, 25 board feet each, or 40 ties to the thousand.

Shakes and shingle bolts. Shake and shingle-bolt material will be measured by the cord or by the thousand feet board measure, in accordance with local custom. As a rule, a cord of shingle bolts may be considered equal to 600 feet b. m.

Lagging. Lagging may be measured by the cord or linear foot or by the piece, or where split lagging is used by the board foot, each cubic foot counting as 12 board feet.

Poles, posts, etc. Poles, posts, piles, converter poles, telephone poles, and stulls may be scaled, sold by the linear foot, or sold by the piece, as circumstances warrant.

Stamping material other than saw timber. When scaled, each stick of timbers, ties, posts, poles, or piles must be stamped on at least one end. Cordwood must be stamped at both top and bottom of each pile and at least 12 pieces in each cord must be stamped.

Check scaling. In check scaling as many logs as practicable will be scaled after they have been scaled by the officer in charge and without knowing his scale. The check will then be compared with the original scale. The log numbers of the original scale, as well as the length of logs, will in each case be recorded in the check scaler's book and the pages cut out and filed in the supervisor's office, or, when necessary, forwarded to the district forester through the supervisor, with the check scaler's report. Check-scale figures may be in the following form:

	Sound logs.			Unsound logs.			Totals.		
	Number of logs.	Scale.	Per cent + or −.	Number of logs.	Scale.	Per cent + or −.	Number of logs.	Scale.	Per cent + or −.
Scale.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Check scale...	.....	.....	.....	.....	.....	.....	.....	.....	.....

Any feasible plan may be adopted by supervisors to permit the checking of the count or measurement of material other than saw timber.

Mill-scale studies. Logs may be followed through the mill to determine how they "open up," but regular mill-scale studies as a check on the scale are rarely advisable, since there are too many variable factors which influence the mill output.

SALE OF MISCELLANEOUS FOREST PRODUCTS.

The sale of wild seedlings and Christmas trees, where the value is less than $100, and such products as cascara bark and turpentine will ordinarily be conducted by the supervisor under directions from the Forester or district forester.

APPEALS.

From decisions of ranger.

All complaints and appeals arising from action taken by a Forest ranger or other subordinate officer on a National Forest, either relating to applications for purchases of timber or to the enforcement of the terms of an existing contract, will be referred in the first instance to the supervisor for decision. Decision will be rendered by the supervisor in writing and a copy filed with the record in the case.

From decisions of supervisor.

Appeals from the action taken by a supervisor must be filed with him within 15 days from the date of such action or decision in the case of appeals arising under the enforcement of existing contracts and within 30 days in the case of appeals arising in connection with applications to purchase timber, or for the modification of an existing contract. The supervisor will transmit the appeal, with all supporting evidence submitted, to the district forester, together with the complete record in the case and his further recommendations and statement of the facts or reasons upon which his action was based. Decision will then be rendered by the district forester and the supervisor and appellant notified.

From decisions of district forester and Forester.

Appeals from decisions of a district forester or of the Forester will follow the same procedure and be governed by the same time limits. The district forester will transmit the appeal to the Forester, with all supporting evidence submitted, the complete record in the case, and his own recommendations and statement of the facts or reasons upon which his action was based. Similar data will be transmitted by the Forester to the Secretary in case of appeals from decisions of the Forester. Decisions rendered by the Forester will be transmitted through the district forester to the supervisor and appellant.

Record.

Decisions on appeals rendered by supervisors will be prepared in triplicate. The original will be sent to the appellant and the extra copy to the Forest officer concerned.

Decisions rendered by a district forester will be prepared in triplicate. The original will be sent to the appellant and the extra copy to the supervisor.

Decisions rendered by the Forester will be prepared in quadruplicate and by the Secretary in quintuplicate. The original will be sent to the appellant and copies furnished for the files of the Forester, district forester, and supervisor.

RECORDS AND REPORTS.

Scale reports.

The Forest officer in charge will notify the supervisor when cutting begins on any advertised sale. The scale in all sales will be reported on Form 820 to the supervisor and a duplicate retained in the ranger's files. In unadvertised sales only the final report need be submitted. In advertised sales cutting reports will be submitted while work is in progress, covering periods of one, two, three, or four weeks, as may be required by the supervisor, but in each case ending with Saturday. On Forests where there are a number of sales in operation definite dates may be set upon which the cutting reports shall be submitted.

Check and record of cutting reports.

As cutting reports (Form 820) are received they will be compared with the timber sales record card for errors in entries brought forward from the last report and for the correctness of the rates. All calculations will be checked and the information regarding the progress of the sale closely scrutinized. The date of the report, quantity of each class of material cut reduced to feet board measure, according to approved converting factors, and total value of material cut since the last report and to date will be entered on the record card. The total value of the cut to date will be compared with the total deposits to guard against cutting in excess of payments.

Supervisors may in their discretion furnish approved cutting reports to purchasers on Form 820 without the answers to the questions on the back.

Scale record—Supervisor's office.

In large sales a record of the scale of each log must be kept on file in the office of the supervisor in the book in which it was originally entered. It will be open to inspection by the purchaser at all times, but only in the presence of the supervisor or an officer from the district office.

Report of timber sold and cut.

The monthly report on Form 949 will be mailed to the district forester by the supervisor not later than the 5th of the succeeding month, even if during the month no timber has been sold or cut. It will be compiled from all Forms 615, which will not be placed in the closed records until the end of the month. Timber cut in sales and in settlements in which payment is made will be included. The date of the approval of the agreement or stipulation will in each case be taken as the date of sale, even though advance cutting may have been allowed. The date of receipt of the cutting report will be taken as the date of cutting for the report; all data will be checked before the report is forwarded.

The report should include a statement of the amount of timber previously reported as sold which will not be cut owing to cancellations or modifications of contracts during the month.

District forester's monthly report.

As soon as practicable after the 1st of each month the district forester will report to the Forester the amount and value of green and dead timber sold and cut, respectively, during the preceding month, by Forests. This report should include a statement of the amount of timber previously reported as sold which will not be cut owing to cancellations or modifications of contracts during the month.

Annual report.

The annual report will be compiled from the monthly reports.

Miscellaneous products, how reported.

Sales of miscellaneous forest products, such as Christmas trees, turpentine, seedlings, etc., should be reported in the form of a footnote to the district foresters' monthly and annual report of timber cut and sold.

Converting factors.

Converting equivalents will be used in reducing various materials to feet board measure. Tables of converting factors will be prepared in each district to meet varying conditions. Before these are adopted they will be approved by the Forester.

Summary timber sale record.

A summary (Form 616) of the timber business will be kept in the district office for each Forest and the card filed in front of all other record cards for the Forest. Each supervisor will keep Form 616 for his Forest. In order

that this form may show separately the amount of live and dead timber cut, supervisors will enter in red ink on this card form all the dead timber sold and cut and its value. Entries for live timber will be made in black ink. At the end of each month the quantity and value of each class of timber sold and cut will be entered on the summary card. At the end of each fiscal year the summaries by Forests will be totaled and entered upon a summary card for the district, which will be filed as the front card in the current record file. The timber cut in free and administrative use will be included in the total cut for the year.

Cost data.

The annual cost of timber sales for the fiscal year on each Forest will be considered with the amount of timber sold and cut, to determine whether the cost has been excessive. Occasionally it may be necessary to secure detailed figures on representative large or small sales, showing the relation of the cost of sales to the stumpage price received.

Form.

The following form should be used for reporting and recording timber sale costs. When advisable, in the judgment of the supervisor or district forester, mimeographed sheets may be prepared with ruled columns for periodic entry of the days and amounts chargeable to the various cost items, particularly to marking, scaling, and brush burning.

(Case designation.)

Examination:
- (*a*) Salaries of men (in cents per 1,000 feet or per cord).
- (*b*) Supplies, transportation, etc. (in cents per 1,000 feet or per cord).
- (*c*) Total cost of examination (in cents per 1,000 feet or per cord).

Office work:

In local office (in cents per 1,000 feet or per cord).

Field work:
- (*a*) Marking (in cents per 1,000 feet or per cord).
- (*b*) Scaling (in cents per 1,000 feet or per cord).
- (*c*) Brush burning (in cents per 1,000 feet or per cord).
- (*d*) Check scaling (in cents per 1,000 feet or per cord).

Administration:
- (*a*) Supervision (in cents per 1,000 feet or per cord).
- (*b*) Total cost per 1,000 feet or per cord of administration.

Area of sale.....

Amount of timber cut.....

Species.....

Price.....
(Per cord or per 1,000 feet b.m., etc.)

Total cost of sale.....
(Per cord or per 1,000 feet b.m.)

Remarks.....

.....

.....

(Reasons for high or low costs. If sale is not closed, what will be the probable cost? Are data approximate or exact?)

ADMINISTRATIVE USE OF TIMBER.

Purpose of administrative use.

Timber may be disposed of under the administrative use regulation (Regulation S–17) by sale, under free use, or otherwise to remove an actual menace from insects, fire, disease, or other sources. Timber may be removed under this regulation when it is necessary for the construction, maintenance, or repair of permanent improvements upon National Forests or for experiments conducted by the Forest Service. Exchanges of timber for labor, services, or material in the building of permanent improvements are, however, not authorized.

Authority of district foresters and supervisors.

Under this regulation the district foresters may authorize supervisors to dispose of timber by administrative use in amounts depending upon the conditions on the Forest and the experience of the supervisor, within the amount which each supervisor is authorized to sell.

Field examination.

When an application is received or the supervisor believes from personal knowledge or from the reports of Forest officers that timber should be disposed of under administrative use, he will direct a field examination and the preparation as soon as practicable of a map and a complete report in accordance with Forms 578a and 578b.

Methods of disposal.

If it is found that because of disease, insect attack, or other cause a body of timber is a menace to the Forest, it will, if possible, be removed promptly with as little expense as possible, preferably by sale, and in such a manner as to reduce to a minimum the future danger. When a sale can not be made and regular free use will not remove the timber soon enough to prevent loss, administrative use permits will be issued.

Forester's and district forester's permits.

Forester's administrative use permits will be prepared in quintuplicate, and district forester's in quadruplicate. The permits will be executed in duplicate, and the executed copies forwarded to the Forester or district forester, as the case may be, for approval with the report and recommendations of the supervisor. The approved original will be filed in the district office, the duplicate transmitted to the permittee and copies furnished the supervisor and local officer in charge. The fifth copy, in Forester's permits, will be retained in the Forester's files.

Card records.

The card record on Form 615 in the supervisor's office will be kept as an index card and record of the amounts cut as in sales.

Supervisor's administrative permit.

The permit will be prepared in triplicate. The original is for the permittee, the duplicate for the supervisor's files, and the triplicate for the ranger.

Form of permit. In preparing the permit the following form will serve as a guide:

ADMINISTRATIVE USE PERMIT.

....., ... National Forest. .....,
(Date of application.) (I or we)

.....
(If copartnership, give names and addresses of individuals, followed by "partners doing business under

.....
the firm name and style of ;" if corporation, "A corporation organized and existing under the

.....
laws of the State (or Territory) of , having an office and principal place of business at

....., hereby apply for permission to take, within .... months from above
.")

date, all .....
(Describe nature of injury to timber, such as attack by insects, fungus, mistletoe, etc.)

marked or designated for cutting by the Forest officer, the removal of which is actually necessary to protect the forest from ravages or destruction, located on an area to be definitely designated by the Forest officer before cutting begins in .....
(Give approximate

.....
location and describe by relation to some well-known landmark, stream, etc. Give also legal subdivision

.....
if surveyed and approximate legal subdivision if unsurveyed.)

estimated to be .....
(Give quantity, species, and material.)

If this application is approved ..... agree, in consideration of the granting
(I or we)
of the privilege herein applied for, to cut and remove said timber in strict accordance with the following and all other regulations and instructions governing National Forests prescribed by the Secretary of Agriculture.

.....
(Insert regulations to govern cutting and removal of the timber.)

Signed in duplicate this ..... day of ....., 19..

Witnesses:

....
(Signature.)

.....

Approved at ....., under the above conditions, ... 19...

.....
(Signature of approving officer.)

.....
(Title.)

Bond, when required. Bonds will be required only in exceptional cases when necessary to insure faithful compliance with the conditions of the permit.

Supervision of cutting. Forest officers will designate cutting areas and mark the timber to be removed as in timber sales. All administrative use of timber except that cut or used for permanent improvements on the National Forests will be scaled, counted or measured, and stamped.

Ranger's record of administrative-use permits.

The ranger will file his copy of the permit alphabetically by name of the permittee. When the case is closed or the permittee is notified that the cutting area is in a satisfactory condition, the date of closing or notice and the amount and value of material secured will be entered on the back of the permit.

Report of timber cut.

Timber cut under administrative use except that cut or used in connection with permanent improvements on the National Forests will be included in the ranger's annual free-use reports to the supervisor.

Closing.

As soon as the conditions of the permit have been complied with, the permittee will be notified by the supervisor that the cutting area is in a satisfactory condition and the administrative use closed.

TIMBER SETTLEMENT.

Settlement for timber cut, damaged, killed, or destroyed on the National Forests in connection with the enjoyment of any special-use privilege is called a timber settlement.

Payment on the basis of estimate or scale.

Where the timber will be killed or destroyed but not removed, or in those cases where it will not be worked into measurable form, or where the cutting is done in such a way that scaling is impracticable, settlement may be required on the basis of estimate. In all cases where the timber can be scaled, measured, or counted, it will be paid for according to the scale, measure, or count, as in a timber sale, and the procedure will be identical.

A charge for timber settlements on the basis of current stumpage rates for timber of like quality and accessibility included in sales will be made for all classes of material which have to be cut and destroyed and which are commonly salable upon the Forest. A charge will not be made for classes of material which are not commonly salable on the Forest, or, ordinarily, for reproduction. The basis for this procedure is that the ground rental under the occupancy permit covers the probable future returns from timber growth; or when no rental is charged that the land is being put to a higher use and the people as a whole are benefited more than if it had been retained in the production of timber.

Payment for timber on claims.

When a right of way permitted under an act of Congress crosses an unpatented agricultural or mining claim, whether the claim antedates the right of way or not, and whether the claim is apparently held in good faith or not, if timber is cut and removed in clearing the right of way, payment will be made to the United States in all cases except where the removal of the timber is necessary for the purpose of clearing the land in good faith for cultivation or for development, or when at the time of cutting the timber is actually needed by the claimant for use in making improvements on the land embraced in his entry or location. If any such claimant should need timber for the purposes above specified and should be unable to obtain it on his claim, he will be allowed to take timber under free-use permit from lands of the United States for those purposes up to the amount cut from the claim for which the United States has received payment. It is therefore necessary to keep separate records of the timber estimated upon or cut from each claim.

Procedure: Forests.

When timber is involved in a special-use case, the Forest officer making the examination will report on the timber to be cut, damaged, killed, or destroyed, giving the information called for by Form 578a and an estimate of the timber on Form 578b. In addition to the usual recommendations in timber sales, this report will contain recommendations as to whether

the timber should be paid for on the basis of the estimate or actual scale, and state when cutting or destruction is likely to take place.

Upon the receipt of these papers, the supervisor will record the case as in "Unadvertised Sales," using a white card (Form 615) stamped "Timber Settlement," which will be filed with the Timber Sale cards.

Timber settlement clauses.

Special clauses covering payment for timber cut or destroyed in connection with occupancy permits and the disposition of refuse are included in the various forms or stipulations as follows:

Form 832, special-use permit, clauses 5 and 9.

Form 80, railroad stipulations, clauses 1 and 2.

Form 81, stipulations in connection with irrigation, municipal, and mining easements, clauses 1 and 2.

Form 59, preliminary water-power permit, clause 6.

Form 61, water-power stipulation, clauses 23, 24, 26, and 27.

Form 63, transmission-line permit, clauses 4 and 6.

Such modifications should be made in these clauses as are necessary to adapt them to the particular conditions in each case.

The following clause should be inserted in stipulations or permits involving the use of drivable streams, when practicable and necessary to protect the interests of the Government in future timber sales:

To maintain suitable gates in the dam to provide for the driving of timber down the ..... River or stream at such times as, in the judgment of the Forest officer, will not cause undue interference with the operation of the plant.

Deposits.

Deposits will be required in advance of cutting or destruction.

Cutting reports.

Letters of transmittal and cutting reports, if payment is made upon the actual scale, will be handled as in timber sales. In cases in which settlement is made on the basis of an estimate, one cutting report stating the total estimated amount cut or destroyed will be submitted upon completion of the work.

Utilization.

If the timber is cut, utilization as complete as in current timber sales will be required.

How reported.

Timber in settlements will be included in reports of timber "sold" and "cut."

Closing.

Timber settlements will be closed when cutting is finished and brush properly disposed of, or if no timber is cut, when construction work is completed, independently of special-use permits or rights-of-way stipulations. If timber is damaged or destroyed subsequent to the closing of the timber settlement, the case may be reopened.

When referred to district forester.

If the amount of timber involved in a special-use permit is more than the supervisor is authorized to approve in a sale, the case will be referred to the district forester with the report on Forms 578a and 578b and drafts of timber settlement clauses to be included in the permit.

The supervisor's report and the drafts of clauses in every special use or Interior Department right of way which involves a timber settlement will be scrutinized with reference to payments, prices, and policy. The approved draft of the clauses and a letter of instructions will be sent to the supervisor in connection with the action taken upon the special use.

FREE USE OF TIMBER AND STONE.

Limitation of cut.

As provided for on page 13, the supervisor of each Forest annually on April 1 will recommend to the district forester the maximum amount of timber which may properly be cut under free use during the ensuing fiscal year, which amount shall form a part of the maximum cut for the Forest. The free use maximum shall be based upon silvicultural conditions, the provisions of the working plan if one has been prepared, the amounts which have been cut under free use during past years, and the probable amount which will be needed during the ensuing year and which may be cut under the existing policy. The procedure in the district office will follow that outlined on page 14.

The free use of timber and stone on National Forests may be granted to bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, building, mining, prospecting, and other domestic purposes.

Object of free use.

The object of free use is to assist prospectors in their work and to encourage and assist settlers who have not on their own land or claims, or on lands controlled by them, a sufficient and accessible supply of material suitable for the purposes named in the law.

To whom granted or refused.

Whether an applicant is entitled to free use must be decided by the proper Forest officer. In all cases not clearly covered by the letter of the law and the regulations he will be guided by their spirit, especially as indicated by the expression "Those who may not reasonably be required to purchase," and by the distinction between public or personal and commercial use. A member of a corporation is not necessarily debarred from free use of fuel for his own home, although his ability to secure it from another source will be considered, especially if the Forest supply is limited and in demand by more needy applicants. Residents of towns and villages engaged in business or earning a livelihood are reasonably expected to purchase building material for town dwellings and other home structures, and, except in small villages, for fuel. Settlers, particularly under the Forest homestead act, who have not yet improved their homes, may receive a liberal allowance for their own use. There is no more reason for giving a hotel keeper or merchant timber solely to build or warm his hotel or store than giving him a stock of goods, yet it need not be refused the proprietor of a small establishment when it will be used chiefly by himself and his family. Prospectors may be assisted to develop their properties, but owners of producing mines and those who are able to employ several or many men on wages will be required to pay. Well-to-do stockmen and owners of large ranches may reasonably be required to purchase.

Free use of timber may be allowed in connection with other uses of the National Forests regardless of the ability of the permittee to purchase; if the timber will be used in improvements the benefit of which will be essentially public rather than individual, or if the stumpage value of the timber used is less than the value of these improvements for protective purposes, or for administrative purposes considering both the actual use of the improvement and the increased value of the Forest through better regulation. Ordinarily, improvements under these provisions should be constructed with the understanding that they will become the property of the United States at the termination of the permit. A clear line can usually be drawn between improvements which are necessary and of benefit only to the permittee in conducting his business and those which result in the improvement and better regulation of the Forest.

Free use may be refused in the discretion of the supervisor to permittees who repeatedly violate the provisions of their permits and interfere with the efficiency of the free use administration. Free use may reasonably be refused where the final cost to the permittees is as great as if the material were purchased, whether or not agents are employed to obtain the material. Free use of timber from alleged invalid claims may be granted for fuel only, pending the final determination of title to the claims.

Valuation of material. The appraisement of free use material will not be less than for sales in the same locality on the Forest from which the timber is to be taken.

Schedule of rates. Supervisors will issue at the beginning of each fiscal year a schedule of standard rates for free use material based upon the current timber sale rates. The rate for the same class of material may be varied in different districts if the conditions warrant. In general, posts will be valued at a specified rate per post, and poles at a specified rate per linear foot. Cordwood will never be measured on the basis of board feet. Dead timber will be valued at the same price as green in National Forests where the prices are equal in sales.

Restrictions. The free-use privilege will be restricted so far as possible to diseased, defective, dying, and dead and down timber, the use of which will be encouraged. Green timber, however, may be obtained except as provided for in the regulations or the supervisor's instructions, when it is necessary for the particular needs of the applicant. Every possible attempt will be made to improve and protect the Forest by locating free use where the timber can best be spared or where it constitutes a menace, by confining the cutting in green timber so far as possible to inferior trees and inferior species, and where necessary or advisable for economic reasons or to insure reproduction by limiting the cut of green timber or prohibiting it altogether.

The duration of permits, which will not exceed the time necessary to remove material, will be fixed by the issuing officer, but all permits must terminate on or before June 30 of each year.

Transients and emergency use. The small amount of material actually needed by transients may be taken without a permit. In cases of great emergency material may be taken without a permit, but the fact should at once be reported to a Forest officer with the request that a permit be issued.

Administration.

The administration of free use will be conducted mainly by the supervisors and rangers, subject to the general policy, restrictions, and instructions herein outlined, or prescribed by the district forester. It is the duty of Forest officers to cheerfully furnish assistance to applicants, to act promptly upon all applications, and in general to follow as liberal a policy in the matter of free use as the interests of the National Forest and the proper performance of their work will allow. Although simple methods and the exercise of judgment are encouraged, there should be no tendency to underrate the importance of the free-use business.

Every effort will be made to improve the Forest and to reduce the cost of the administration of free use and yet give Forest users prompt attention. Utilization of all trees cut, as complete as in sales, as well as careful disposal of refuse, must be required. Officers in charge of cutting will be held responsible for seeing that no unnecessary damage is done to reproduction, young growth, or standing timber. There should be no failure on the part of the Forest officer to make all points clear to applicants before permits are granted.

When numerous applications for free use are expected, Forest officers will notify the public, in any convenient manner, that they will be at designated places on certain days, prepared to transact free use and other National Forest business.

Permit areas.

Wherever possible the work of handling the free-use business will be reduced by designating temporary permit areas, preferably in dead timber. These will be mapped and reported to the supervisor, who, if he approves, will authorize the ranger to mark or specify the timber which should be removed and to designate the boundaries. Great care should be exercised in establishing such areas, and their boundaries must be clearly designated. After issuing a permit, the Forest officer may send the permittee to this area, thus avoiding the necessity of a visit to the timber with each applicant before cutting. Each applicant, who will be held responsible for his cutting on the area, will be required to clear up the débris resulting from his own cutting.

Marking.

Forest officers will designate the timber to be cut in the simplest and most economical way practicable. Living timber will be marked in accordance with the principles outlined under timber sales, and the detailed instructions for marking issued by the district forester or supervisor. In the case of dead timber, an area may be blazed or defined by natural boundaries, and the class of trees to be taken specified.

Scaling.

The scaling or measuring of free-use material may be omitted when it would require long special trips or engage considerable of the ranger's time that could be more economically employed on other work. A sufficient check should be maintained by the ranger to be certain that the regulations governing free use are complied with.

Supervisors and deputy supervisors will investigate the conduct of free-use business, both in the field and in the ranger's records, as often as possible, to see that the cutting is in accordance with silvicultural requirements, that utilization is complete, that the public is properly served, that the cases are closed promptly on expiration, and that the free-use policy for the Forest is being followed.

Cutting reports.

Cutting reports will be required by supervisors only when they consider them necessary in large permits to check the rate of cutting and the amount as against that fixed in the permit.

Rangers' records.

Rangers' free-use permits will be issued in duplicate on Form 874–8. The approved original will be transmitted to the permittee and the ranger will retain the duplicate copy, which will be filed alphabetically by the name of the permittee in a promise card box. For convenience in closing, all permits will be made to expire at the end of a month. When a case is closed the date of closing and the amount and value of material secured will be entered on the back of the permit.

If Form 874–8 is used in supervisors' or district foresters' permits the original will be sent to the permittee and a carbon filed by the ranger with other permits. If a special form is necessary which can not be conveniently filed with the Form 874–8 permits an index card will be used and the permit filed with timber sales. Rangers will recommend the closing of supervisors' and district foresters' permits and immediately close the case in their own files. No record of rangers' permits will be kept in the supervisors' offices.

Supervisors' permits.

Supervisors' permits will be prepared in triplicate on Form 874–8, or on a special form similar to Form 202 when necessary. The approved original will be transmitted to the permittee. The supervisor will retain the duplicate and forward the triplicate to the ranger. Supervisors may require reports in large or unusual cases.

District foresters' permits.

When an application exceeds the supervisor's authorization, he will prepare a permit in triplicate, which, with the necessary report and recommendations, will be forwarded to the district forester in duplicate for approval. After approval the permit and report will be returned to the supervisor, who will transmit the original to the permittee, one copy to the ranger, and retain one copy. No record of individual cases will be kept in the district office.

Secretary's and Forester's permits.

Whenever application is made for free use of timber to an amount exceeding the authorization of the district forester the application must be submitted to the Secretary of Agriculture for approval if the value exceeds $500, and to the Forester if within this amount and above the authorization of the district forester. When so approved the district forester will issue the permit following the procedure outlined under "District forester's permits."

Rangers' reports.

At the end of each fiscal year, or at other times if required by the supervisor, each ranger will submit a report giving separately for live and dead timber the number of permits issued and the quantity and value of material actually used by the permittees. This report will cover all free-use and administrative-use permits, including those approved by supervisors and district foresters. Such reports will be incorporated in the supervisor's annual statistical report to the district forester.

Temporary free-use areas.

Temporary free-use areas from which only dead fuel or dead fence material, or both, may be taken prior to securing a permit will be recommended by supervisors and approved by district foresters only where it is evident

that there will be substantial compliance with the law, where danger will not result, and where the elimination of routine will result in a material reduction in the cost of administration.

Free-use areas will preferably include large quantities of dead timber and will be closed as soon as the supply is exhausted.

Forest officers will see that the utilization on free-use areas is reasonably complete.

The cutting of timber by other persons or for other purposes than those named in the law or for sale is forbidden.

TIMBER SALE AND FREE-USE FORMS.

Form 941.
(Revised Dec. 1, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

(Attach clipping of notice here)

BID FOR ADVERTISED TIMBER.

....., *19*

..... Timber Sale.

..... National Forest.

.....
(The district forester or Forest supervisor)

.....
(City or town)

.....
(State)

DEAR SIR: In response to the notice of sale published in.....
(Name of newspaper)

of....., ..., ...bid for the
(Town) (State) (I or we)

timber advertised to be cut from.....
(Locality)

.....
(If surveyed, give legal subdivisions; if unsurveyed, give metes and bounds with reference to some well-known landmark)

.....in the .....National Forest, as follows:

Estimated amount in feet board measure, cords, or pieces.	Species. (If different prices are offered for dead and living timber, make separate entries.)	Price bid per 1,000 feet, cord, or piece.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

I have remitted, under separate cover, to the.....National Bank of..... (U. S. depository) $....., to accompany this bid, as required by the published notice of sale.

Very truly yours,

.....
(Name of bidder)

.....
(Full address)

Form 202.
Revised Oct. 15, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

TIMBER SALE.

.....National Forest.
(Date of application)

....., ...
(I or we) (If copartnership, "We, and

.....
partners, doing business under the firm name and style of ") (If corporation, "A corpo-

.....
ration organized and existing under the laws of the State (or Territory) of , having an

.....
office and principal place of business at ")

of....., State of....., hereby.....
(In application, "apply," in final agreement, "agree.")

.....to purchase.....
(In final agreement only, "In

.....
accordance with my (or our) bid submitted in pursuance of the notice of sale of certain timber in the

.....
National Forest, duly given by publication as required by law," if sale has been advertised and

.....
bid accepted. If private sale, when timber has been advertised and no satisfactory bid has been received,

.....
"at private sale, certain timber within the National Forest , duly

.....
advertised for sale in the , a newspaper of general circulation in the State (or Territory)

.....
in which said Forest exists, by notice published for not less than 30 days before , 19 . Said timber

.....
is")
all the merchantable dead timber standing or down and all the live timber.....

.....for cutting by a Forest officer located on an area of
("Marked" or "designated.")

about.....acres to be definitely designated by a Forest officer before cutting

begins in.....
(Give approximate location and describe by relation to some well-known landmark,

.....
stream, etc. Give also legal subdivisions, if surveyed, and approximate legal subdivisions if unsurveyed.

.....
If advertised, description of location should follow that given in notice of sale.)

.....within the ..... National

Forest, estimated to be.....
(Give by species the quantity in proper unit of measure, state whether live

.....
or dead, and kind of material, and add the words "more or less.")

.....
("If this sale is awarded to me (or us)" in application only.) (I or we.)

do hereby, in consideration of the sale of this timber to ....., promise to pay
(Me or us.)

to the ..... National Bank of ..... (United States depository) or such other depository or officer as shall hereafter be designated, to be placed to the credit of the United States,.....

(In final agreement, "the sum of .....

dollars ($), more or less, as may be determined by the actual scale, measure, or count.")

for the timber at the rate of.....

(In application, "not less than.") .....

(Per thousand feet b. m., cord, linear feet, etc.)

in advance payments of at least ..... dollars ($.....) each when called for by the Forest officer in charge.....

(If application for advertised sale, "$50 being forwarded to the said United States depository at this time to cover cost of advertising, this amount to be placed to my (or our) credit if I am (or we are) the successful bidder, or refunded if my (or our) bid is rejected.")

credit being given for the sums, if any, heretofore deposited with the said United States depository or officer in connection with this sale.

And ..... (I or we.) further promise and agree to cut and remove said timber in strict accordance with the following conditions and all regulations governing timber sales prescribed by the Secretary of Agriculture:

1. Timber upon valid claims and all timber to which there exists valid claim under contract with the Forest Service is exempted from this sale.
2. No timber will be cut or removed until it has been paid for.
3. No timber will be removed until it has been scaled, measured, or counted by a Forest officer.
4. No timber will be cut except from the area specified by a Forest officer. No live timber will be cut except that marked or otherwise designated by a Forest officer.
5. All merchantable timber used in buildings, skidways, bridges, construction of roads, or other improvements will be paid for at the price herein specified.
6. All cutting will be done with a saw when possible.
7. No unnecessary damage will be done to young growth or to trees left standing, and no trees shall be left lodged in the process of felling. .....

(Unmarked or undesignated.)

trees that are badly damaged during the process of logging will be cut if required by the Forest officers, and when such damage is due to carelessness, the trees so injured will be paid for at twice the price herein specified.

8. The approximate minimum diameter limit at a point 4½ feet from the ground to which living trees are to be cut is.....

(Limits in inches for all species involved. When individual trees are marked for cutting, "Trees above these diameters may be reserved for seed or protection, and merchantable trees below these diameters may be marked at the discretion of the Forest officer." When other methods of cutting are advisable, insert suitable provisions so that the system of cutting and method of designation will be clear.)

9. Stumps will be cut so as to cause the least possible waste and will not be cut higher than ..... inches on the side adjacent to the highest ground—lower when possible—except in unusual cases when, in the discretion of the Forest officer, this height is not considered practicable.
10. All trees will be utilized to as low a diameter in the tops as possible so as to cause the least waste, and to a minimum diameter of ..... inches when merchantable in

the judgment of the Forest officer; the log lengths will be varied so as to make this possible.

11. Tops will be lopped and all brush piled compactly at a safe distance from living trees, or otherwise disposed of, as directed by the Forest officer.

12. All timber will be cut and removed on or before and none later than .....

....., and at least ..... will be paid for, cut, and removed
(Feet b. m., cords, etc.)

on or before ....., 19.., and at least ..... of the remainder of the estimated amount during each year of the remaining period.

13. Timber will be scaled by Scribner Decimal C log rule, or counted or measured as prescribed by the Forester, or specifically provided in this agreement, and, if required by the Forest officer, will be piled or skidded for scaling.....
("Measurement" or
..... as directed by the Forest officer.
"count" if cordwood or other material is involved.)

14. All marked or designated trees and all dead timber sound enough for lumber of any merchantable grade or timbers .....
(Insert cordwood or other material to be included in the sale.)
shall be cut. Unmarked or undesignated living trees which are cut; marked or designated trees or merchantable dead timber left uncut; timber wasted in tops, stumps, and partially sound logs; trees left lodged in the process of felling; and any timber merchantable according to the terms of this agreement which is cut and not removed from any portion of the cutting area after logging on that portion of the cutting area is completed, or is not removed from the National Forest after the expiration of this agreement, shall be scaled, measured, or counted, and paid for at double the price herein specified.

15. During the time that this agreement remains in force ..... will, independently, do all in ..... power to prevent and suppress forest fires on the
(I or we.) (My or our.)
sale area and in its vicinity, and will require ..... employees and contractors
(My or our.)
to do likewise. ..... hereby agree, unless prevented by circumstances over
(I or we.)
which ..... have no control, to place ..... and .....
(I or we.) (Myself or ourselves.) (My or our.)
employees at the disposal of any authorized Forest officer for the purpose of fighting forest fires, with the understanding that if the fire does not threaten .....
(My or our.)
property or the area embraced in this agreement ..... shall be paid for services so rendered at the rate or rates to be determined by the Forest officer in charge, which rate or rates shall correspond to the rate or rates of pay prevailing in the
(I or we.)
..... National Forest for services of a similar character at the time the services are rendered, provided, however, that if ....., ...
(I or we.) (My or our.)
employees, subcontractors, or employees of subcontractors are directly or indirectly responsible for the origin of the fire, ... shall not be paid for services so rendered.
(I or we.)

16. So far as is reasonable, all branches of the logging shall keep pace with one another, and in no instance shall the brush disposal be allowed to fall behind the cutting, except when the depth of the snow or other adequate reason makes proper disposal impossible, when the disposal of brush may, with the written consent of the Forest officer in charge, be postponed until conditions are more favorable.

17. Necessary logging roads, chutes, camps, buildings or other structures shall be located as agreed upon with the Forest officer in charge. All such improvements not removed within.....months after the expiration of this agreement shall become the property of the United States.

.....
(Insert special conditions, if any.)

The title to the timber included in this agreement shall remain in the United States until it has been paid for and scaled, measured, or counted, as herein provided.

The decision of the Secretary of Agriculture shall be final in the interpretation of the regulations and provisions governing the sale, cutting, and removal of the timber covered by this agreement.

Work may be suspended by the Forest officer in charge if the conditions and requirements contained in this agreement are disregarded, and the failure to comply with any one of said conditions and requirements, if persisted in, will be sufficient cause for the Forester to revoke this agreement and to cancel all permits for other uses of the National Forest.

No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company. (Section 3741, Revised Statutes, and sections 114 to 116, Act of March 4, 1909.)

Refund of deposits under this agreement will be made only at the discretion of the Forester or district forester.

This agreement will not be assigned in whole or in part.

The conditions of the sale are completely set forth in this agreement, and none of its terms can be varied or modified except with the written consent of the Forester.

..... (or, "the district forester" in district forester's sales, or, "the supervisor" in supervisor's sales.)

No other Forest officer has been or will be given authority for this purpose.

And as a further guarantee of a faithful performance of the conditions of this agreement ..... (I or we deliver herewith a bond in the sum of $,) and do further agree that all moneys paid under this agreement shall, upon failure on ..... (my or our) part to fulfill all and singular the conditions and requirements herein set forth, or made a part hereof, be retained by the United States to be applied as far as may be to the satisfaction of ..... (my or our) obligations assumed hereunder.

Signed in duplicate this ..... (same date as bond) day of....., 19...

(Corporate seal if corporation.)

Witnesses: [1]

....
(Signature of purchaser. See note.)

....
(Signature of purchaser.)

Approved at ....., under the above conditions, ..., 191...

.....
(Signature of approving officer.)

.....
(Title.)

NOTE.—If contracting party is a copartnership, form of signature should be

X Y Z COMPANY,
By JOHN DOE,
A member of the firm.

If contracting party is a corporation, form of signature should be

X Y Z COMPANY,
By JOHN DOE,
President (or other officer or agent).

[1] Signature of two witnesses required if sale is over $100.

Form 377.
(Revised Dec. 1, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

BOND.

KNOW ALL MEN BY THESE PRESENTS: That we .....
(Names of principals.)
.....
of .....,
as principal, and .....
(Names of sureties.)
....., as
surety, are held and firmly bound unto the United States of America in the sum of ..... dollars ($.....), for the payment of which sum well and truly to be made to the ..... National Bank of .....,
or such other depository or officer as shall hereafter be duly designated by the United States, to be placed to the credit of the United States, we bind ourselves and each of us, our and each of our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that whereas the above bounden .....
.....
(Names of principals.)
has by a certain ....
(Application or agreement.) (Signed or executed.)
by ..... on this ..... day of ....., 19...

NOW, THEREFORE, If the said .....
(Names of principals.)
.....
shall well and truly perform all and singular the promises and agreements in said ..... contained, then this obligation shall be void, otherwise to
(Application or agreement.)
remain in full force and effect.

IN WITNESS WHEREOF, The parties hereto have executed this instrument this .....
day of ....., 19.., at .....
(Corporate seal if corporation.)

..... [SEAL.]
(Principal.)
..... [SEAL.]
(Principal.)
..... [SEAL.]
(Surety.)
..... [SEAL.]
(Surety.)

ACKNOWLEDGMENT OF PRINCIPAL.

STATE OF....., COUNTY OF....., *ss:*

On this.....day of....., 19.., before me.....
(Name of notary.)
....., a notary public, in and for ....., residing therein, duly sworn and acting under a commission expiring....., 19.., personally appeared
.....
(Name of principals.)
known to me to be the.....of the.....
(Title.)
.....
(Name of purchasing company.)
the corporation that executed the above instrument, and known to me to be the person who executed the above instrument *in behalf of the said corporation*, and..... acknowledged to me that he *said corporation* executed the above instrument, as principal, voluntarily for the uses therein specified.

WITNESS my hand and official seal the date first in this certificate above written.

[SEAL.] .....
Notary Public.

N. B.—Italics are to be stricken out when bond is executed by individuals and not by corporations.

ACKNOWLEDGMENT OF SURETIES.

STATE OF....., COUNTY OF....., *ss:*

On this.....day of....., 19.., before me.....
(Name of notary.)
....., a notary public, in and for....., residing therein, duly sworn and acting under a commission expiring....., 19.., personally appeared
.....
(Name of sureties.)
known to me to be the.....*of the*.....
(Title.)
.....
(Name of surety company.)
the corporation that executed the above instrument, and known to me to be the person who executed the above instrument *in behalf of the said corporation*, and each acknowledged to me that he *said corporation* executed the same as surety, voluntarily for the uses therein specified.

WITNESS my hand and official seal the date first in this certificate above written.

[SEAL.] .....
Notary Public.

N. B.—Italics are to be stricken out when bond is executed by individuals and not by corporations.

OATH OF SURETIES.

[Must be used when individuals are sureties.]

STATE OF....., COUNTY OF....., *ss:*

.....and.....
(Name of surety.) (Name of surety.)
being duly sworn, each for himself says that he is a citizen of the United States and a resident of.....; that he signed the above bond as one of the sureties thereon; that he is worth the sum of.....in property in the .....of his residence over and above all legal liabilities and exemptions, and that he has property therein subject to sale on excution worth the sum of.....

.....
(Surety.)

.....
(Surety.)

Subscribed in my presence by.....and
(Name of surety.)
....., and by each of them sworn to before me
(Name of surety.)
this.....day of....., 19...

WITNESS my hand and official seal the date last above written.

[SEAL.] .....
Notary Public in and for the County of.....*State of*.....

My commission expires .....

CERTIFICATE OF SOLVENCY.

[To be filled in when sureties are individuals.]

I hereby certify that I have made due and diligent personal inquiry as to the ability of the signers of the foregoing bond, and am satisfied that they are good and sufficient and fully responsible each for the sum of ..... dollars.

.....
(Title.)

....., 19..
(Day.)

Approved at....., ..., ..., 19...
(City.) (State.) (Date.)

.....
(Signature of approving officer.)

.....
(Title.)

Form 319.
(Revised August, 1908.)

UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

MEMORANDUM OF CORPORATE OFFICER'S AUTHORITY TO SIGN INSTRUMENT.

When an agreement or other legal instrument is executed by a corporation, the Forester requires evidence of the authority of the person who signs on behalf of the corporation. Such evidence should be EITHER—
(1) A copy of the article of incorporation, or of the by-law giving the requisite authority, or
(2) A copy of the resolution of the board of directors giving the requisite authority.
In either case SUCH COPY SHOULD BE FOLLOWED BY a certification by the secretary of the company, under the corporate seal; the evidence of authority required would then be substantially in the following form:

.....
(Copy of article of incorporation, by-law, or resolution.)

.....

.....

.....

.....

I, ..., secretary of the .....

..... Company, do hereby certify that the foregoing is a correct copy of the article of incorporation (*or* of the by-law, *as the case may be*) which pertains to the powers of the ..... of said company (*or* of a
(Title of officer.)
resolution, and of the whole thereof, passed by the board of directors at a directors' meeting, duly called and assembled, and at which a quorum was present); that said article of incorporation (by-law *or* resolution, *as the case may be*) was, on the .....
(Date of
executing contract.) in full force and effect; and that on said date .....
(Name of person
signing instrument.) was the ..... of the said company.
(Title.)

In witness whereof I have hereunto subscribed my name as secretary of the ..... Company and affixed the corporate seal of said company this ..... day of ....., 19..

[CORPORATE SEAL.] .....
Secretary of the .....

5276°—11——6

(Space for name on right-hand margin to be filled in before filing. Amount cut and value to be filled in on closing.)

Form 874-8.—Revised Dec. 1, 1911.

U.S. DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

Name,

FREE-USE PERMIT.

.....National Forest,

....., 191..

Permission is hereby granted to

.....
(Name of permittee.)

of.....
(Address.)

to take, within ..... months from above date, from.....
(Describe lands.)

.....

.....

the following-described timber:

.....
(Specify species and state whether

.....
dead or living; number of cords and

.....
value per cord; number of feet b. m.

.....
and value per thousand; number and

.....
dimensions of house logs, posts, or

.....
other special products, and rate of

.....
valuation.)

.....

.....

Amount cut

Value, $.

worth $....., to be used by said permittee.....
(How and where.)

.....
(OVER.)

[REVERSE.]

(Space at bottom to be filled in by officer closing the case, on retained duplicate.)

In consideration of such permission said permittee agrees to—

1. Cut only such timber as is designated by a Forest officer.

2. Remove no timber until permission is given.

3. Conduct the cutting and dispose of the refuse as directed by the Forest officer.

4. Neither sell, give away, nor exchange any material taken.

5. Assist Forest officers to fight fire during the period of this permit without pay if the area covered by this permit is on fire or threatened; otherwise at the prevailing rate of pay.

6. Comply with all other regulations governing National Forests.

Permit granted under above conditions.

.....

.....
(Title.)

The cutting or taking of any timber under this permit makes all the conditions binding.

.....
(Date closed.)

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 149—INSTRUCTIONS.

FEBRUARY 1, 1913.

Timber Sales.—Paragraph 10 of the Instructions on page 23, with center heading "Contracts," and Amendment No. 108, are hereby amended by the substitution of the following:

Form 202. Form 202, with the insertion of needed special clauses in each case, will be used in sales where necessary to secure desired silvicultural and administrative results.

Form 202a. Form 202a may be used in any unadvertised or small advertised sale, in which it will secure the desired silvicultural and administrative results. The conditions on the back of the form should be brought to the notice of the purchaser, with the request that he read them before affixing his signature.

Form 202b. Form 202b will be used only in sales to settlers and farmers under the act of August 10, 1912 (Public, 261). The conditions on the back of the form should be brought to the notice of the purchaser, with the request that he read them before affixing his signature.

HENRY S. GRAVES,
Forester.

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FACULTY OF FORESTRY
MAR 24 1913
UNIVERSITY OF TORONTO

FACULTY OF FORESTRY
MAR 24 1913

UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 107—INSTRUCTIONS.

JANUARY 23, 1912.

Timber Sales.—Paragraph 6 of the Instructions on page 60 is hereby amended by adding the following sentence:

It will not be necessary to include in this statement the amount of the "overcut" or "undercut" in sales which were closed during the preceding month.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 8 TO THE NATIONAL FOREST MANUAL, 1911—TIMBER SALES. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING TIMBER SALES UPON NATIONAL FOREST LANDS.)

Effective on and after July 16, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY.

Regulation S–14, page 10 of the National Forest Manual, 1911, Timber Sales, issued by the Secretary of Agriculture to take effect December 1, 1911, is hereby amended by adding the following:

In all sales exceeding 10,000,000 feet and in smaller sales when necessary in the judgment of the approving officer, the successful bidder will be required to submit, before the timber is awarded to him, a statement satisfactory to the approving officer of financial ability to conduct the operation and fulfill all of the obligations to be assumed under the sale contract. Such a statement may be required, in the discretion of the approving officer, before the approval of a sale application or before any steps are taken to examine areas tentatively applied for.

Done at Washington this 16th day of July, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

54129—No. 8—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

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THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 125—INSTRUCTIONS.

APRIL 18, 1912.

Timber Settlement.—Next to the last paragraph on page 66, with marginal heading "When referred to district forester," is hereby amended to read as follows:

If the approximate amount of timber involved in a special use permit, as shown by the report on Form 964, is more than the supervisor is authorized to approve in a sale, the case will be referred to the district forester, with a draft of the timber settlement clause to be included in the permit. The district forester may require a report on Forms 578a and 578b before approving the permit, at his discretion.

HENRY S. GRAVES,
Forester.

41292°—12

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THE NATIONAL FOREST MANUAL

ARTICLE 1—DEFINITIONS

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 7 TO THE NATIONAL FOREST MANUAL, 1911—TIMBER SALES. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING TIMBER SALES UPON NATIONAL FOREST LANDS.)

Effective on and after July 16, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY.

Regulation S–10, page 9 of the National Forest Manual, 1911, Timber Sales, issued by the Secretary of Agriculture, to take effect December 1, 1911, is hereby amended by adding the following:

Before approving an application or accepting a bid, a statement of the relation of the applicant or bidder to other persons, firms, or corporations holding permits or agreements for the use of National Forest resources may be required in the discretion of the approving officer. Firms or corporations may be required to furnish a certified statement of their members or stockholders.

Done at Washington this 16th day of July, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

54129—No. 7—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 134—INSTRUCTIONS.

AUGUST 9, 1912.

Timber Sales.—The Instructions on page 28 are hereby amended by inserting under the head of "Deposits," and immediately following the table of deposits in classes C and D sales, the following paragraph:

Frequent small deposits may be accepted in Class A sales from purchasers whose circumstances do not enable them to pay for the timber in larger installments.

HENRY S. GRAVES,
Forester.

57216—No. 134—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 110—INSTRUCTIONS.

JANUARY 31, 1912.

Timber Sales.—The Instructions on page 58 are hereby amended by the insertion after the discussion of "Check scaling" of the following paragraphs. A marginal entry of the words "Penalty scale," as well as reference to "Amendment 110," should be made in all file copies of the Manual at the point specified.

Penalty scale.

All marked trees left uncut, merchantable tops and high stumps, etc., left in the woods for which a double stumpage rate is required in the contract should be scaled, stamped, and numbered in the same way as in the regular scale. Except in small sales, a separate scale book, marked "Penalty scale," should be kept for this purpose. Logs already scaled and numbered which are left in the woods should be recorded separately in the penalty scale book under their original numbers. In small sales separate records may be kept in the regular scale book, but should be distinctly marked.

Reports of penalty scale should also be made separately from those of the regular scale, either by submitting separate reports on Form 820, labeled "Penalty scale," or, where small quantities are reported at infrequent intervals, by entries on the back of Form 820, under "Remarks." Whenever penalty scale is reported the "Total previously reported," "Total since last report," and "Total to date," should be given. If separate Forms 820 are used, they will constitute an independent series in themselves. Entries under "Remarks" will be made only in reports for periods during which a penalty scale has actually been made and in the final report for the sale. In cases where the material has been previously scaled and charged for on the regular scale the penalty scale should be recorded as a single scale, followed by the words "Previously scaled," and charged for at the regular contract price. In all other cases the penalty scale should be recorded as a single scale and charged for at double the contract price.

HENRY S. GRAVES,
Forester.

29837—12

THE NATIONAL FOREST MANUAL

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 129—INSTRUCTIONS.

JULY 16, 1912.

Timber sales.—Paragraph 8 of the Instructions on page 42, with marginal heading "Reliability and financial standing of applicants," is hereby amended by adding the following:

A specific statement of financial ability will be required in all sales of 10,000,000 feet or more and in smaller sales in the discretion of the approving officer. (Regulation S–14.) Such a statement may be required when necessary in the judgment of the approving officer before the approval of a sale application, either formal or tentative, and in any event before the timber is awarded to the successful bidder.

In dealing with established local firms of a substantial character, a simple statement of assets is sufficient. No further check than a report from the local Forest officers that the applicant or bidder is financially able to carry out the contract will be required.

In dealing with firms established in the lumbering business but not locally known, a statement of assets will be required, together with a list of references to the financial standing of the firm. The statement should be checked by the Credit Rating Book and by inquiry from at least one of the references given.

In dealing with established local firms of a substantial character, lumbering business, a specific statement of present and anticipated resources, together with a list of references, will be required. The statement should be checked by inquiry from one or more of the references given and, if there is any question as to the financial ability of the applicant, by a special rating from one of the established agencies. This rating can be secured from the Division of Accounts and Disbursements of the Department upon application to the Forester.

The object of this requirement is to restrict sales to bona fide operators or firms prepared to operate if the timber is secured, of adequate financial ability to carry out the contract successfully, and to prevent sales to promoters and speculators. The foregoing instructions will be applied with a view to eliminating awards to bidders who are not organized or financially equipped to carry out the contract but who will use the award of timber, which is practically an option, as the principal basis for organizing a new company to handle the timber or as a possible basis for speculation through stock issues or otherwise.

HENRY S. GRAVES,
Forester.

54129—No. 129—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 130—INSTRUCTIONS.

JULY 16, 1912.

Timber sales.—Paragraph 6 of the Instructions on page 23, under marginal heading "Award," is hereby amended by adding the following:

When the highest bid is rejected on account of the unsatisfactory financial standing of the bidder (Regulation S–14; instructions, page 42) or the liability of creating monopoly (Regulation S–10; instructions, page 38), the timber may be readvertised, awarded to the highest bidder who meets the requirements of the Regulations, or held for private sale. The highest price bid will ordinarily be considered as establishing the market value of the timber. Awards to other than the highest bidder or private sales will be made only at such price. If the timber can not be sold at the rate named in the highest bid, or if there is a question as to the good faith of such bid, the timber will be readvertised. In the award following readvertisement, bids submitted by parties whose previous bids were rejected on account of monopoly or financial standing will not be considered.

HENRY S. GRAVES,
Forester.

54129—No. 130—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 133—INSTRUCTIONS.

AUGUST 9, 1912.

Timber Sales.—The Instructions on page 15 are hereby amended by inserting after the first paragraph the following paragraph with marginal heading "Minimum charges":

Minimum charges.

A minimum charge for all sales of timber to be used for commercial purposes will be established for each Forest by the district forester. Such charge will be not less than $3 nor more than $10. No sale for commercial uses will be made at less than the established minimum for the Forest. No minimum charge will be applied in sales of timber for the personal use of the purchaser.

HENRY S. GRAVES,
Forester.

57216—No. 133—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

AMENDMENT NO. 14 TO THE NATIONAL FOREST MANUAL, 1911—TIMBER SALES. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING TIMBER SALES UPON NATIONAL FOREST LANDS.)

Effective on and after December 3, 1912.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Page 10 of the National Forest Manual, 1911, Timber Sales, issued by the Secretary of Agriculture to take effect December 1, 1911, is hereby amended by adding the following after Regulation S–16:

TURPENTINE SALES.

Regulation S–16a.—So far as applicable the regulations governing timber sales will apply in turpentine sales except as follows: District foresters are authorized to make sales in amounts not exceeding 200,000 cups, and to delegate this authority to supervisors for specific amounts not exceeding 40,000 cups. Cupping in advance of advertisement will not be allowed.

Done at Washington this 3d day of December, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

69699—No. 14—13

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 126—INSTRUCTIONS.

APRIL 18, 1912.

Timber Settlement.—The last paragraph on page 65, with marginal heading "Procedure: Forests," is hereby amended to read as follows:

When timber is involved in a special use case, a report on the timber to be cut, damaged, killed, or destroyed will be prepared on Form 578a, together with an estimate of the timber on Form 578b, either at the time when the special use report, Form 964, is made or subsequently, as the supervisor shall determine. The timber report and estimate will in any event be made before cutting or destruction begins. In addition to the usual recommendations in timber sales, this report will contain recommendations as to whether the timber should be paid for on the basis of the estimate or actual scale, and state when cutting or destruction is likely to take place.

HENRY S. GRAVES,
Forester.

41293°—12

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AMENDMENT NO. 15 TO THE NATIONAL FOREST MANUAL, 1911—TIMBER SALES. (REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO AND GOVERNING TIMBER SALES UPON NATIONAL FOREST LANDS.)

Effective on and after January 2, 1913.

UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY.

Regulation S–9, page 9, of the National Forest Manual, 1911, Timber Sales, issued by the Secretary of Agriculture to take effect December 1, 1911, is hereby amended by adding the following:

Sales to settlers and farmers.

Mature, dead, and down timber which may be cut without injury to the Forest will, upon application, be sold without advertisement in any desired amount to homestead settlers and farmers at the actual cost of making and administering such sales. Material will be cut under this regulation only for the domestic use of the purchaser, upon his homestead or farm. The disposal of any part of such material for a money or other consideration, or in exchange for labor, services, or commodities furnished the purchaser in connection with its cutting, removal, or manufacture, is prohibited. If any of the foregoing requirements are violated, the sale will be terminated and the purchaser required to pay for all material cut at the maximum current rate fixed by the Secretary of Agriculture for such material on the Forest concerned.

On June 1 of each year the Secretary of Agriculture will determine, upon data and information furnished by the Forester, the cost per thousand feet, board measure or other unit, of making and administering such sales in each National Forest region where similar conditions exist, which amount will be uniformly applied on all Forests in the region during the ensuing fiscal year as the stumpage price in sales to homestead settlers and farmers under this regulation.

Regulation S–2, page 7, is hereby amended by adding the following sentence to the second paragraph:

The minimum prices, however, will not apply to timber sold to homestead settlers and farmers under the terms of Regulation S–9.

Regulation S–8, page 8, is hereby amended by inserting the following words at the beginning of the regulation:

Except in sales to homestead settlers and farmers under the terms of Regulation S–9.

Done at Washington this 5th day of December, 1912.

Witness my hand and the seal of the Department of Agriculture.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

70278°—No. 15—13

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 135—INSTRUCTIONS.

AUGUST 9, 1912.

Timber sales.—The Instructions on page 38 are hereby amended by inserting after the second paragraph, with marginal heading "Size of sales," the following sentence:

Sales of small amounts for commercial uses will be subject to the minimum charge established by the district forester for the Forest concerned.

HENRY S. GRAVES,
Forester.

57216—No. 135—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 148—INSTRUCTIONS.

JANUARY 2, 1913.

Timber Sales.—Next to the last paragraph on page 14, with marginal heading "By advertisement," is hereby amended by adding the following:

, except sales to homestead settlers and farmers under the terms of Regulation S–9.

The last paragraph on page 14 is hereby amended by adding the following sentence:

Sales to homestead settlers and farmers under the requirements of Regulation S–9, which may be made in any amount without advertisement, are also classed as private sales.

The third paragraph on page 27, with center heading "Private Sale," is hereby amended by inserting the words "Of advertised timber" as a marginal heading. The Instructions on page 27 are further amended by adding immediately after the third paragraph the following paragraphs with marginal heading "Sales to settlers and farmers":

Sales to settlers and farmers.

Sales to homestead settlers and farmers under Regulation S–9 will be made without advertisement, in any amount desired, at the price fixed annually in each National Forest region of similar conditions by the Secretary as equivalent to the actual cost of making and administering such sales.

Only material to be used by the purchasers for domestic purposes exclusively on homesteads and farms will be sold under this regulation. Such uses include the construction or repair of farm buildings of any character, fences and other improvements, and fuel. Sales under this regulation will not be made to agents employed by the person or persons who will use the timber cut, to manufacturers or others who propose in turn to sell the material to settlers or farmers, or to persons who have on their own lands a sufficient and practically accessible supply of material suitable for the purposes required. Such sales will, furthermore, be restricted to mature, dead, and down timber which may be cut without injury to forest conditions. As close utilization of inferior species and grades of material as practicable for the purposes of the purchaser will be required.

The contract in such cases will be prepared on Form 202–b upon verbal or other informal application. The contract will contain the following special clause:

"All timber cut under this agreement will be used by the purchaser for domestic purposes exclusively on his homestead or farm. None of the timber cut will be disposed of for a money or other consideration, or in exchange for labor, services, or commodities of any character furnished in connection with its cutting, removal, or manufacture. If this clause is violated in any particular this agreement will be terminated; and the purchaser hereby agrees to pay the United States for all timber cut hereunder at the rate of $_____ per M bd. ft. (or other unit)."

The penalty rate will be the maximum price for such material on the Forest concerned fixed by the Secretary for the current year.

Paragraph 4 on page 60, with marginal heading "Report of timber sold and cut," is hereby amended by adding the following sentence:

The amount and value of the timber sold and cut, respectively, in private sales to settlers and farmers under the terms of Regulation S–9 will be reported separately.

The last paragraph on page 67 of the Instructions, with marginal heading "To whom granted or refused," is hereby amended by adding the following sentence:

Homestead settlers and farmers who are refused free use on the ground that they may reasonably be required to purchase should be informed that they may purchase timber for domestic use on their homesteads or farms at cost, under the terms of Regulation S–9.

HENRY S. GRAVES,
Forester.

[No. 148]

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 131—INSTRUCTIONS.

JULY 16, 1912.

Timber sales.—Paragraph 4 of the Instructions on page 38, with marginal heading "Monopoly," is hereby amended by adding the following:

When any question of monopoly is involved, through the control of large quantities of timber by affiliated operators, a certified statement of the relation of the applicant or bidder to other purchasers of National Forest timber may be required. (Regulation S–10.) A certified statement of the membership of firms or list of stockholders in corporations may similarly be required.

HENRY S. GRAVES,
Forester.

54129—No. 131—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 147—INSTRUCTIONS.

DECEMBER 3, 1912.

Timber Sales.—The Instructions on page 58 are hereby amended by adding the following after the last paragraph:

TURPENTINE SALES.

General instructions. Except as hereafter provided, sales of turpentine will be governed, so far as applicable, by the instructions prescribed for timber sales.

Applications. Applications for the purchase of turpentine should ordinarily be in writing. Where formal applications are not required the contract should be prepared in its final form in each case before advertisement begins.

Size of sales. Unadvertised sales of turpentine for $100 or less will be made only when necessary, in the discretion of the supervisor, for the utilization of small or isolated bodies of timber.

Contracts. Form 203 will be used in the preparation of contracts, with the insertion of the special clauses required.

Bonds. Bonds may be required in all contracts for amounts exceeding $100, and will be required in all contracts for amounts exceeding $500.

Payments. Payments other than the deposits made in advance of advertisement or with bids will be required either in advance or in two or more approximately equal amounts, which must be so arranged that payment is well in advance of the removal of the product. In all cases the date of the final payment must precede the beginning of operations for the final contract season.

Unit of measure. All turpentine sales will be made on a cup basis, the unit of measure being 1,000 cups. The total sum due will be determined from field counts of cups by forest officers.

Advance cupping. Cupping in advance of advertisement will not be allowed.

Utilization. The object in all operations will be to secure the maximum production of turpentine consistent with conservative silvical management and the perpetuation of the forest.

The silvicultural system which will be used in management and the possibility of using cupped trees for other purposes, such as saw timber, must be kept in mind in designating the trees to be cupped.

All contracts will require the use by purchasers of one of the modern cupping systems, with horizontal apron or gutter, and the placing of cups and aprons or gutters as near the ground as possible, in such a manner as to prevent waste. All contracts should specify the minimum diameters d. b. h. which will be cupped, the period within which cups must be placed, the number of cups to be placed upon trees of specified diameters, which will be based upon the maximum production in the long run consistent with reasonable operating costs; an average and maximum depth for streaks, which should not exceed one-half and three-fourths inches, respectively, not including bark; a maximum width for streaks, which should, if possible, be one-half inch or less: and a total height for faces during a contract season; the kind of hack that will be used for chipping, proper placing, and spacing of faces on the tree, based upon the maximum production in the long run, the frequency of streaking, and the maximum number of streaks which may be made during the season.

Protection from fire.

Wherever necessary for safety, all contracts should require the removal annually of all débris to a reasonably safe distance from each tree and the construction of fire-breaks around the contract area.

HENRY S. GRAVES,
Forester.

[No. 147]

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
H. S. GRAVES, Forester.

THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO CLAIMS, SETTLEMENT, AND ADMINISTRATIVE SITES ON NATIONAL FOREST LANDS.

ISSUED BY THE
SECRETARY OF AGRICULTURE
TO TAKE EFFECT
February 1, 1912.

CLAIMS.
SETTLEMENT.
ADMINISTRATIVE SITES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1912.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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THE NATIONAL FOREST MANUAL.

CLAIMS.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory to the act of Congress of June 4, 1897 (30 Stat., 11), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations relating to claims on National Forest lands, the same to supersede all previous regulations for like purpose and to be in force and effect from the 1st day of February, 1912, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 19th day of December, 1911.

JAMES WILSON,
Secretary of Agriculture.

REGULATIONS.

Reg. L–41. No Forest officer shall, except as hereinafter provided, request a homestead entryman to relinquish his claim or suggest for any reason whatsoever that such a course is desirable. If any homestead entryman voluntarily offers to relinquish his claim, the Forest officer may suggest that the relinquishment be transmitted to the local land office, but shall not encourage this to be done. Forest officers who receive by mail relinquishments from claimants must return the same, with the suggestion in every case that if the entryman desires to relinquish he should send the relinquishment to the local land office. No Forest officer shall be a party to a compromise whereby any claims or trespass case is settled by requiring the claimant to relinquish a claim to the United States.

Relinquishments.

When relinquishments are offered which cover lands needed for administrative purposes, and when it is desired to pay the claimant for improvements thereon, a recommendation, accompanied by the reasons in each specific case, shall be submitted to the Forester, who may authorize the purchase of the improvements upon the filing of the relinquishment in the local land office.

U. S. Department of Agriculture,
Forest Service,
Washington, D. C.

The following procedure and instructions are hereby established and issued to take effect February 1, 1912, governing the enforcement of the regulations of the Secretary of Agriculture relating to claims within National Forests.

Henry S. Graves, *Forester.*

Approved December 19, 1911:
James Wilson, *Secretary.*

GENERAL INSTRUCTIONS.

Why claims are examined.

The administration of the National Forests is a duty imposed upon the Secretary of Agriculture by law. In order properly to discharge that duty, it is necessary that he ascertain the status of all lands within the National Forests. The examination of claims within National Forests by Forest officers is therefore made primarily in furtherance of this object. The information thus obtained by the employees of this department is, as a matter of governmental economy, placed at the disposal of the Secretary of the Interior, upon whom rests the responsibility for determining the title to all lands within the National Forests.

It is not the purpose or intent of the department to initiate contests against claimants who have entered lands in the National Forests in good faith to secure a home or for other purposes recognized by law, and in such cases no contest should be initiated upon slight, technical noncompliance with the law. It is the purpose and intent, however, to protect the lands of the United States within the National Forests from acquisition by those who do not seek them for purposes recognized by law, and when it is apparent that an entry or a claim is not initiated in good faith and in compliance with the spirit of the law under which it is asserted, but is believed from the facts to be a subterfuge to acquire title to timber land, or to control range privileges, water, a water-power site, or rights of way; or if it otherwise actively and materially interferes with the essential interests of the National Forest in that locality and is not made or maintained in good faith, a contest should be recommended, even if the technical requirements of the law appear to have been fulfilled. As to mining claims, it should especially be borne in mind that good faith almost necessarily exists when the claims are located on untimbered and unwatered lands which control no means of access or rights of way and are valueless for any occupancy purposes.

Initiation of claims on National Forest land.

No claims can be initiated upon lands within National Forests, nor upon lands withdrawn for National Forest purposes, except under the mining laws, the coal-land laws, and under the act of June 11, 1906 (34 Stat., 233). Claims, however, within a National Forest initiated

prior to the withdrawal of the lands, or their inclusion therein, may be perfected and patents obtained by compliance with the law under which such claims were initiated.

Determination of title to claims. The determination of questions involving title to unperfected claims in National Forests is within the jurisdiction of the Secretary of the Interior.

Definition of a valid claim. A valid claim is one initiated in good faith under some act of Congress for the acquisition of title to public lands and continued by use consistent with the character of the claim and necessary for its actual development.

It is a fundamental requisite that all claims be initiated in good faith for the purpose contemplated by the law under which they are held. It is bad faith, for instance, to hold a mining or agricultural claim primarily for the timber thereon or to acquire a site valuable for water-power development. Where the land is held for the timber, for a hotel site, saloon site, or other foreign use, and there has been no compliance with the requirements of the law under which the claim was initiated, it may be considered prejudicial to National Forest interests.

Government adverse claimant to land withdrawn for National Forests. It has been held by the Department of the Interior that the withdrawal of lands for and their inclusion in a National Forest constitutes the Government an adverse claimant to the land. No contest or protest against issuance of patent can be considered by the General Land Office unless specific charges are filed within two years after the date of issuance of final certificate, except as to timber and stone entries.

Reports on claims are confidential. In harmony with the practice of the General Land Office, all reports on claims made by Forest officers must be held as confidential, and may be examined only by duly authorized officers and employees of the Government.

Examinations of mineral claims. Prospecting will not be interfered with and mineral locations will not be examined prior to application for mineral patent, except where a report is requested by the Department of the Interior or where locations interfere with the administration of the National Forest. No adverse report will be submitted to the Department of the Interior which has not been made by a mineral examiner.

A squatter is one who settled upon a tract of unsurveyed public land with the bona fide intent to acquire title thereto under the homestead law upon public survey of the land.

Squatters' claims on National Forest land. Squatters who settled upon National Forest land before its withdrawal and who have maintained residence thereon, improvements, and cultivation in good faith since settlement and who are awaiting public survey to make entry have the same right to occupy and enjoy their holdings as homestead entrymen.

Such a settler must make entry of the land claimed within three months from the filing of the township plat in the local land office for the district within which such land is situated. Failure to do so may forfeit his prior right of entry.

No rights can be initiated in this way upon land which has been withdrawn for or included in a National Forest.

A posted notice of claim to a tract of land is not the basis of title, and where actual residence in pursuance of an intention to remain is relied upon as the basis, failure to maintain it may result in the forfeiture of the claim. Squatters may, at their option, await public survey or apply for the examination of their lands that they may be opened to entry under the act of June 11, 1906 (34 Stat., 233).

Free use of timber for development of mining claims.

The locator, or subsequent owner, of a mining claim has a right to the use of sufficient timber from his claim for development purposes. This includes the construction of such buildings as may be necessary as an adjunct to such development and the timber for shafts and tunnels, as well as for fuel in connection with such development. Timber, however, may not be cut from one claim to be used on another claim even if it be of the same group unless its use tends to develop the claim from which it is cut, as well as the one on which it is used, except under free-use permit (Regs. S-19 to S-27).

A mining claimant has no right whatever to cut or remove timber from his claim for sale or for purposes other than the development of the claim, and such removal constitutes trespass (Reg. T-2), except where the removal of the timber reasonably in advance of the mining work is necessary to the development of the claim.

Status of lands after cancellation of claim.

Upon the cancellation of any claim to lands within a National Forest the land involved becomes part of the National Forest, excepting canceled entries under the act of June 11, 1906, and excepting entries canceled and reinstated under the act of March 3, 1911, and excepting canceled entries upon lands which are within the boundaries of the Forest, but which, by the conditions of the proclamation creating it, are not included therein, and unless the claim erroneously covered part of an odd-numbered section within the primary limits of a railroad grant or was canceled by reason of the superior adverse claim of another.

In cases of pending homestead entries, if the entry is not canceled within one year after the expiration of the seven-year period from the date of entry within which no proof has been submitted, the supervisor will report the case to the district forester, who will call this to the attention of the chief of field division. In these cases no report as required by Form 655 will be necessary, as, under the regular Land Office procedure, the local land office officials will notify the entryman to show cause why the entry should not be canceled on account of the expiration of the seven-year period.

Passage of title by patent.

The title of the United States passes with the patent, but its delivery is not necessary, since the title by patent is one of record and it relates back to the initiation of the claim and cuts off all intervening claims.

Passage of title by certification.

If a patent to public land is not expressly required by law, title passes fully by certification (as in the case of a land grant to a State). If, however, the certification is erroneous for any reason, patent may issue on a bona fide entry of record prior to or at the date of such certification.

A patent, or a final certificate which has been issued for more than two years without the filing of any protest or contest against the entry, can be invalidated only by judicial proceedings, but where a patent fails properly to describe the land it may be surrendered and a new patent will issue to correct the mistake. Proceedings to annul patents must be instituted in a court of competent jurisdiction within six years from the date of patent. The United States will not attack a regularly issued patent without a convincing showing that fraud was committed in procuring it.

How patents may be annulled.

Suit to vacate a patent will be recommended to the Department of Justice by the Department of the Interior where it appears that the final proof was false or fraudulent; but such suit will not be advised where the evidence is not convincing or where the land is in the hands of an innocent purchaser without notice of the fraud. The right to bring suit in the name of the United States to set aside a patent exists only when the Government has an interest, or where the title has been secured by false and fraudulent evidence introduced to affect the judgment of the Land Office officials, or the Government is under obligation to make the title good.

Suit to vacate patent.

PROCEDURE ON NATIONAL FORESTS.

When examination and report will be made.

Examinations and reports upon claims will be made by Forest officers under instructions from the Forest supervisors:

(*a*) Upon request from the Commissioner of the General Land Office or the chief of field division;

(*b*) Upon receipt from the local land office of notice of application for patent on a mining claim, or of notice of intention to submit final proof on an agricultural claim;

(*c*) When claimants are making unlawful use of claims, or are holding them for unlawful purposes, or bad faith in connection with them is manifest, or when a trespass occurs upon or under color of a claim.

Record of claim in supervisor's office.

When a claims case is initiated, the supervisor will make an index card and a folder for the case, using a white card for agricultural claims and a blue card for mineral claims. Upon the index cards will be entered the case designation and such notations as may be necessary. The case will be filed alphabetically according to the name of the claim or claimant. The supervisor will then secure the status of the land if necessary and order the examination.

Evidence to support the facts ascertained and reported.

The strength of the report does not rest primarily upon the number of witnesses, but rather upon their credibility and opportunity for knowing the facts. When a report shows adverse facts, it should give the names of two or more disinterested witnesses, by whom the statements can be proved, and should be accompanied by affidavits or statements regarding the facts to which they will testify at a hearing. If affidavits can not be obtained, a statement of facts by each witness (preferably signed by the witness) and his attitude in the premises should be furnished, since incorrect impressions may be obtained from conversations, and a witness's statement on the stand

may vary in a marked degree from the impression which he gave the Forest officer when interviewed. The Forest officers should seek to ascertain only relevant facts about the claim under examination. Facts should be reported whether they are favorable or unfavorable. Whenever possible the report of facts should be corroborated by the testimony of witnesses.

Affidavits and statements of witnesses.

Every affidavit or statement should include the residence and post-office address of the witness. Those who have lived near the claim are preferable to those residing at a distance. Where possible, effort should be made to secure the testimony of reputable members of the community with no interest in the case except to state the facts.

Witnesses in behalf of claimant.

If Forest officers know that witnesses who may be summoned to testify in behalf of the claimant are aware of facts adverse to the claimant but to which they will probably fail to testify, they should report those facts when ascertained to the district forester.

Form of affidavits.

In the preparation of statements care should be taken to see that they do not contain conclusions of the witnesses, but only statements of known facts. For instance, such statements as "Claimant has not resided upon the land in good faith," or "has not shown good faith in his occupancy and improvement of the premises," or in the case of a mining location "has not expended the required amount in labor to entitle him to patent," or "has not used the claim for the purpose contemplated by the mining law," are all conclusions and must be left to the officer of the Interior Department who passes upon the testimony.

The following form of affidavit may be used:

State of ———, County of ———, *ss:*

———— ————, whose post-office address is ———, being duly sworn, deposes and says: (Here follows a concise statement of the facts disclosed by the affiant.)

That I have carefully read the foregoing statement of facts, understand their import, and they are true to the best of my knowledge.

———— ————.
(Signature of the affiant.)

Subscribed and sworn to before me this ——— day of ———, 19—.

———— ————,
(Name of Forest officer.)

————.
(Title of Forest officer.)

Statement by witness to others.

When it is reported that a claimant or a witness made any statement respecting the claim to another, the name of the person to whom such statement was made and his post-office address should appear. When any statement in the report is made upon the authority of another, the name and address of the person from whom the information was obtained should be given.

Hearsay, or opinions, negative evidence.

Hearsay (statements by persons without actual knowledge of the facts) or opinions regarding the claimant's movements, intentions, or actions are valueless. Negative testimony also is of little force. For example, where the affiant states "he did not see the claimant at a certain place" or "on a certain occasion." From the testimony it should appear that the affiant or witness was present and in a position where he must of necessity have seen the claimant if he had been there.

Affidavits and statements will be treated as confidential and will not be produced at a hearing or at any other time unless the witness on the stand departs from the statements formerly made.

Affidavits and statements confidential.

Forest officers who administer oaths must verify the signature of the witness at the time of securing an affidavit or written statement.

Administering oaths.

Since witnesses are called upon to testify in great detail, Forest officers should carefully note all facts in their notebooks at the time of the examination or of their occurrence, and they may testify from such memoranda at the hearing. Only original notes can be used by a witness at the hearing to refresh his memory.

Use of notebook in hearings.

If the land involved in any claim to which title is sought from the United States is available and apparently held as a reservoir or power site, it should be reported with details as to the dimensions and construction of the dam, area of watershed and of reservoir, and volume and fall of water controlled by the site, and particularly as to the interests proposed to be served by such reservoir or power site and respecting the movements and operations of the claimant.

Report on claims covering reservoir or power sites.

In order to have complete information at hand regarding all homestead claims on the Forests, it is important that a record be kept by the district ranger of the condition of all unpatented homestead claims in the district. If this information is compiled from time to time it will not be necessary to depend entirely upon the statements of settlers and local residents when formal reports are called for. Information so obtained should be filed separately by cases in the rangers' files. Supervisors should keep district rangers informed of the location of all claims of this character. When possible, an annual report should be made by the district ranger on each unperfected homestead entry in his district. This report should be placed in the supervisor's files and should not be forwarded to the district forester. Reports should include material facts and give specific dates regarding residence and improvements and should also include the names and addresses of witnesses who are familiar with the facts.

Correct record of condition on homestead claims.

A report on a homestead claim will be considered favorable when it shows that the claim is apparently held in good faith and in accordance with the terms of the law under which it is asserted.

What constitutes a favorable report on a homestead claim.

A preliminary report on a mining claim will be considered favorable when it shows (*a*) that the claim is apparently held in good faith for the purposes authorized by law; (*b*) that the expenditure has been made on the improvement work as required by law; and (*c*) that the issuance of patent will not prejudice the interests of the United States.

What constitutes a favorable preliminary report on a mining claim.

A report upon an agricultural claim will contain a recommendation whether or not proceedings should be instituted against the claim to determine its validity or whether the claim should be patented. No recommendation for or against patenting will be made in a preliminary report upon a mineral claim. In the case of an unfavorable report by

Recommendations in report on claims.

a mineral examiner the recommendation should be made by such officer that the location or entry "be declared invalid" or "canceled," and the report should specify the charges or reasons for making the adverse recommendations. Where the report is favorable, the recommendation should be that "patent issue."

Thoroughness of investigation and completeness of report.

A report upon a claim, when received by the supervisor, should be carefully scrutinized to insure the thoroughness of the investigation and the completeness of statement. If, for any reason, it appears that the report is erroneous or incomplete, the supervisor will return it to the Forest officer who made the examination, indicating its defects and requiring its correction.

Summary of witnesses after hearing is ordered.

When requested by the district assistant to the solicitor, the supervisor will, whenever practicable, instruct a Forest officer to see the witnesses for the Government and ascertain whether there is likely to be any change in their testimony from that indicated in the report on the case. The reply of the supervisor will be addressed to the district assistant to the solicitor through the district forester. Should it be found that any witness will be unable to attend the hearing, that fact will be reported to the district assistant to the solicitor that steps may be taken to secure a deposition. When requested by the district assistant to the solicitor, the following form will be prepared by the supervisor, who will transmit two copies to the district assistant to the solicitor. The summary must bear the case designation and the date of the report to which it relates. It must be in the hands of the district assistant to the solicitor not less than two weeks prior to the date set for the hearing.

The summary of witnesses will be submitted in the following form:

Witnesses to sustain charge No. 1:

Name.	Occupation.	Residence.[1]		Post office, town, and county.	Affidavit secured.
		Section, township, and range.	Miles from town, town, and county.		
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Witnesses to sustain charge No. 2:

.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Witnesses to sustain charge No. 3:

.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

_____, _____,

Forest Supervisor.

[1] To be filled in, except where witness lives in a town.

When the report is favorable to the patenting of the claim, the case will be closed when the supervisor is notified by the district forester that a favorable report has been forwarded to the chief of field division.

Closing claims cases.

When the report forwarded to the chief of field division is adverse to the patenting of the claim, the case will be closed when the supervisor is notified by the district forester that the case has been closed in the General Land Office.

Action upon request from Commissioner, chief of field division, or Solicitor, for special reports.

Requests from the Commissioner or the chief of field division of the General Land Office or from the Solicitor for special reports on claims within National Forests will be received by the supervisor by reference from the district forester. The supervisor will make the necessary entries in his records and direct an examination and report by a Forest officer. The report will be prepared in accordance with the outline on Form 654 or 655, and will be made with an original and four copies. One copy will be retained by the Forest officer, one by the supervisor, and the original and two copies will be forwarded to the district forester, together with the original and two copies of all affidavits and the original letter from the Commissioner, chief of field division, or the Solicitor. At the top of the first page of the report a reference to the letter of request will be made by indorsement to identify the report with the related papers in the file of the General Land Office. The indorsement will be in the following form: "Reference is made to the Commissioner's letter ('N' B. R. G. Oakland 03108) dated January 18, 1909," or "Reference is made to notice of application to submit final proof on ———, 1911."

Action upon receipt of notice of final proof or of application for mineral patent.

In accordance with the instructions of the Secretary of the Interior, registers and receivers will send to supervisors concerned copies in triplicate of notices of final proof and of applications for mineral entry. A copy of the notice in each case must be returned to the register and receiver prior to the date advertised for submission of final proof. It is desired that reports be obtained by the supervisor prior to the return of the notice, and notices will be held whenever possible until reports have been received. When it is evident to the supervisor that because of climatic conditions an early examination and report can not be made, he will return the notice to the register and receiver with an indorsement giving the date approximately when the report will be sent to the district forester.

This indorsement will be upon the face and at the bottom of the notice and will be dated and signed by the supervisor. In accordance with the circumstances of the case the indorsement will be as follows: (*a*) "No objection at this time to issuance of final certificate—right in law to future contest not waived should facts develop warranting charges; report submitted (or will be submitted) to the district forester ———, 19—;" (*b*) "Protest; report submitted (or will be submitted) to the district forester ———, 19—;" (*c*) "The land involved is not within the boundaries of a National Forest, and no report will be made by the Forest Service;" (*d*) "The land involved is located within a proposed elimination from ——— National Forest, and no report will be made by the Forest Service;" (*e*) "This entry was initiated under the act of June 11, 1906, and no report will be

made by the Forest Service, as the Department of Agriculture has no authority to examine and report on this class of claims." The two remaining copies of the notice will be completed by entering thereon the indorsement made upon the copy returned to the register and receiver and will be sent at once to the district forester.

If the report has not been already submitted the supervisor will then instruct a Forest officer to make an examination and report. The instructions, whether by letter or by memorandum, will give the date when final proof will be submitted, the names and addresses of the witnesses given in the notice, the indorsement made on the notice, and the date the notice was returned to the local land office. A copy of this letter or memorandum will be retained in the supervisor's file as a record of the final proof notice. The report will be made in accordance with the outline on Forms 654 and 655, with original and four copies. One copy will be retained by the Forest officer, one copy by the supervisor, and the original and two copies will be sent to the district forester, accompanied by the original and two copies of all affidavits. At the top of the first page of the report reference to the notice of final proof will be made by indorsement. The indorsement will give the date of final proof, the indorsement made thereon, and the date thereof, which will be the date of the return of the notice to the local land office.

Action on receipt of notice of final proof on entries within proposed eliminations.

Before returning to the register and receiver the notice of final proof on entries within proposed eliminations with the indorsement (*d*) thereon the supervisor will send the notice to the district forester to ascertain whether the elimination has been approved. If the proposed elimination has been approved, no examination or report will be made. A memorandum of the notice and the indorsement thereon will be filed, and the two copies of the notice with the indorsement entered thereon will be sent to the district forester.

Action upon receipt of notice of final proof on entries under the act of June 11, 1906.

On notice of final proof on entries under the act of June 11, 1906, the notice will be returned to the register and receiver with the appropriate indorsement (*e*) and no examination or report will be made. The other two copies of the notice with the indorsement entered thereon will be sent to the district forester. Before returning the notice to the register and receiver a memorandum of the notice and the indorsement thereon will be made and filed with the settlement case to which it relates.

Failure to receive notice from registers and receivers.

In cases where the supervisor fails to receive notice of final proof or notice of application for mineral patent at the time of or soon after the beginning of the period of publication, he will report the fact to the district forester for appropriate action.

Forest officers will not appear at final proof.

Forest officers will not appear at final proof to cross-examine claimants or their witnesses.

Action upon receipt of notice of an order for mineral survey.

Notice of an order for survey of a mineral claim is not a request from the Interior Department for a report, and no report on the claim will be made at the time of this survey unless the claim actually interferes with the administration of the National Forest. Upon receipt

of notice of an order for mineral survey, which notice will contain the name and address of the mineral surveyor and of the claimant and the name, survey number, and approximate location of the claim, the supervisor will when necessary instruct a Forest officer to be present when the survey is made. The Forest officer will make and submit a memorandum, to be filed for future reference, of the boundaries, the expenditure, and the development work, to which the surveyor will certify, and of the cuts, shafts, and tunnels on the claim.

Copies of mineral surveyor's notes for use in making examination.

When a mineral claim is to be examined, the supervisor will send the Forest officer who is to make the examination a copy of the memorandum, or may when necessary secure from the local land office a copy of that part of the mineral surveyor's field notes relating to development work and improvements. If they are not available, the district forester may secure a copy from the surveyor general's office.

Examination of mineral claims by mineral examiners.

When the district forester has determined from the facts presented in the preliminary report on a mineral claim that the conclusions (*a*) and (*b*) are not warranted, and an examination by a mineral examiner has been ordered, the claimant will be notified by the supervisor of the date the examination will be made and will be requested to be present or be represented. The report of the mineral examiner will be submitted to the Forest supervisor and will be acted upon in accordance with the procedure followed in all other claims reports.

Action upon squatters' claims where claimants settled after the withdrawal of the land for National Forest purposes.

Occupancy of the land by squatters after its withdrawal for National Forest purposes is trespass, and the supervisor will act in accordance with the procedure prescribed under "Occupancy Trespass," unless the claimant was occupying the land on January 1, 1906, in which case the claimant may apply within a reasonable time for the listing of the land under the act of June 11, 1906 (see "Settlement," p. 25).

Action upon squatters' claims where claimants settled before the withdrawal of the land for National Forest purposes.

When the claimant settled on the land prior to its withdrawal for National Forest purposes and is apparently complying with the requirements of the homestead law, no action will be taken by Forest officers, since the claimant may at his own discretion await an extension of the public-land survey, or may apply for the listing of the land under the act of June 11, 1906, before making entry.

When the claimant settled on the land prior to its withdrawal for National Forest purposes, but has failed to comply with the requirements of the homestead law, no action will be taken by Forest officers prior to the approval of the plat of survey unless the claim interferes with Forest administration, in which case the supervisor will order an examination and report in accordance with the procedure herein prescribed for making reports on claims.

When the plat of survey has been approved by the Commissioner of the General Land Office, the supervisor will protest the squatter's application for entry if the requirements of the homestead law have not been complied with. The protest should be filed in the local

land office prior to the date when entries can be received, and will be in the following form:

DEADWOOD, S. DAK.,
December 20, 1910.

REGISTER AND RECEIVER,
Rapid City, S. Dak.

GENTLEMEN: Since plat of survey of T. 20 N., R. 15 E., B. H. M., has been approved by the Commissioner of the General Land Office and entries will be received February 15, 1911, the Forest Service protests against the acceptance of entry from John Jones for NW ¼ sec. 9, T. 20 N., R. 15 E., B. H. M., on the grounds that John Jones has not maintained continuous residence on and cultivation of the land in good faith as required by law (or has wholly abandoned the land for more than six months last past). This land was withdrawn for National Forest purposes December 3, 1904, and was included in the Black Hills National Forest February 1, 1905.

A detailed report will be forwarded to the district forester.

Very truly yours,

_____,
Forest Supervisor.

The supervisor will then order an examination and report in accordance with the procedure herein prescribed for making reports on claims.

After a squatter's claim has been declared invalid by the Department of the Interior further occupancy of the claim by the claimant is trespass, and the supervisor will, in such case, report the facts to the district forester with recommendations for the institution of trespass proceedings.

Supervisor's annual report on claims.

Supervisors will include in their annual statistical report (Form 446) to the district forester, due on July 15, a statement of the claims work on their Forests for the preceding fiscal year.

Action upon receipt of notification of extension of public-land survey.

When notification of the extension of the public-land survey over lands within a National Forest is received by reference from the district forester, a record of the extension will be made in the tract book.

PROCEDURE IN DISTRICT OFFICE.

Record of reports.

All reports on claims made by Forest officers will be submitted in triplicate to the proper district forester. Each case will be filed in a separate folder under the case designation. An index card will be used for each case, upon which will be entered the case designation and such notations as may be necessary—a white card will be used for agricultural claims and a blue card for mineral claims.

Action upon favorable reports.

If upon a review of the report the district forester is of the opinion that no contest should be initiated, he will transmit the report direct to the proper chief of field division of the General Land Office with an indorsement of "No protest," except that in the case of claims under the mining laws which have not been examined for mineral discovery the notice of "No protest" will be by letter from the district forester to the chief of field division instead of by the transmittal of an indorsed report. In such cases the letter will be in the following form:

CHIEF OF FIELD DIVISION,
General Land Office, Portland, Oreg.

DEAR SIR: The Forest Service will enter no protest against the issuance of patent for Mineral Survey No. 2444, Mineral Application No. 02588, Coeur d'Alene Land

District, Wampum Mining Co., claimant for the Wigwam Lode, within the Coeur d'Alene National Forest.

Reference is made to letters ("N" H. C. F.) of the Commissioner of the General Land Office to the Forester, dated May 7 and September 20, 1910, respectively, requesting report on this case.

Very truly yours,

_____ _____,
District Forester.

If the chief of field division is of opinion that no hearing is necessary, he will, in accordance with the regulations of the Interior Department, transmit the report or the letter "No protest" to the Commissioner of the General Land Office with his recommendation.

Report by mineral examiner.

When upon a review of the facts presented in a preliminary report on a mineral claim it is determined that the conclusions do not warrant a favorable report, the district forester will order an examination and report by a mineral examiner. No other action will be taken upon the preliminary report, and the report of the mineral examiner, when received, will be acted upon in accordance with the procedure followed in other reports from Forest officers.

Action upon adverse reports.

If the district forester is of the opinion that a contest should be instituted, he will refer the report to the district assistant to the solicitor for examination as to the law and the sufficiency of the evidence. Upon the request of the district assistant to the solicitor the district forester will order such additional investigation or secure such additional evidence as the district assistant to the solicitor may require.

If the district forester is informed by the district assistant to the solicitor that, in his opinion, no contest should be instituted, and if the district forester is still of the opinion that one should be instituted, he will refer all the papers in the case to the Forester.

When a report has been found to be sufficient and is returned by the district assistant to the solicitor with a draft of the charges against the claim, the district forester will transmit the report directly to the chief of field division with recommendation that a contest be instituted upon the charges indicated.

Reports referred to chief of field division.

In every case the original and one copy of the report and the original and one copy of all affidavits and statements will be transmitted to the chief of field division.

Notice to claimant and supervisor of transmission of report to chief of field division.

When a report is transmitted to the chief of field division, the district forester will at once notify the claimant of the fact and the date of transmission, and whether the report was favorable or unfavorable, with no further detail. A copy of the letter to the claimant will be sent to the supervisor.

Case referred to district assistant to the solicitor.

When a report has been submitted to the chief of field division with recommendation that a contest be initiated, the district forester will refer all the papers in the case to the district assistant to the solicitor.

Additional investigation requested by chief of field division.

Should the chief of field division find a report, in his opinion, insufficient to warrant adverse proceedings, he will, in accordance with the regulations of the Department of the Interior, return it directly to the district forester, who will issue the necessary instructions to have the additional investigation made and who will submit to

the chief of field division such supplementary reports as may be required.

Action by chief of field division.

The regulations of the Department of the Interior provide that if, after receiving from the district forester the complete report, the chief of field division is of opinion that adverse proceedings should be ordered, he will transmit the report, together with the district forester's recommendations, to the Commissioner of the General Land Office with a recommendation that a hearing be ordered upon the charges suggested by him, and if after receiving a complete report and recommendations from the district forester for adverse proceedings, the chief of field division is of opinion that a hearing is unwarranted, he will transmit the report and the district forester's recommendation and his own recommendations to the Commissioner for decision. Should the Commissioner approve the recommendations of the chief of field division, he will notify the Solicitor of the Department of Agriculture.

Fixing date of hearing in local land office.

Upon order or application for hearings upon reports covering lands or claims within a National Forest, duplicate notices thereof are sent by the register and receiver to the chief of field division and the proper district assistant to the solicitor. Before setting date for the hearing in any such case, the chief of field division will confer with the proper district assistant to the solicitor and thereupon suggest to the register and receiver a date for hearing and the names of witnesses to be subpœnaed upon behalf of the Government. In the event the chief of field division and the district assistant to the solicitor are unable to agree as to the date of hearing, the matter will be referred by the chief of field division to the Commissioner of the General Land Office, who will issue the necessary directions.

Summary of witnesses after hearing has been set.

After the date for hearing in a case has been set, the district assistant to the solicitor will, when necessary, instruct the supervisor to interview the witnesses and return the summary of witnesses as described under "Procedure on National Forests." The supervisor will thereafter instruct Forest officers to secure such additional evidence and supply such additional information as may be required by the district assistant to the solicitor.

District assistant to the solicitor will represent Service at hearings.

In all hearings affecting lands or claims within a National Forest, the chief of field division or a special agent of the General Land Office and the district assistant to the solicitor will be entered of record as appearing on behalf of the Government. The chief of field division or special agent of the General Land Office acting as attorney for the Government in any such case will control the Government's side of the case in any matter as to which counsel are unable to agree, subject to any direction that may be given by the Commissioner of the General Land Office, in case the matters of difference are of such importance as to be presented to him for action. In all Government cases before registers and receivers involving lands or claims within a National Forest, the chief of field division and the district assistant to the solicitor will each be served with notice of all appeals, motions, orders, and decisions required to be noted under the rules in cases of private contests.

Costs incident to hearings before registers and receivers in Government cases involving lands or claims within a National Forest will be paid under rules now in force. Expenses incident to appeals will be paid by the Department of Agriculture, except that, where feasible, chiefs of field divisions may give aid in office work in preparation of papers, briefs, etc.

Costs incident to hearings.

When the report is favorable to the patenting of the claim, the case will be closed when the report is forwarded to the chief of field division.

Closing claims cases.

When the report is adverse to the patenting of the claim, the case will be closed when notice is received from the Commissioner that the case is closed on the records of the General Land Office. This notification will be received through the district assistant to the solicitor, with the return from him of all papers in the case. The copy of the Commissioner's notice and the decision will be filed with the papers in the case and the supervisor will be notified by letter or by a copy of the decision.

Replies to letters from the Commissioner of the General Land Office received by reference from the Forester, or letters from the chief of field division of the General Land Office requesting information relating to claims, will be by letter from the district forester to the chief of field division.

Action upon request from Commissioner or chief of field division for information or for special reports.

If the request is for a report which has already been submitted to the Interior Department, the district forester will write the chief of field division with appropriate reference to the letter of request and give the date upon which the report was submitted.

When it is necessary to secure the information from the supervisor, or when a special report is requested, the letter of request will be referred by stamped indorsement to the supervisor for investigation and report. Before referring the letter a memorandum will be made, showing the title, file number, initials, and date of the letter of request, the number and kind of entry, and the name of the claimant or of the mineral claim. This memorandum will be filed in the district office and will constitute the record until the supervisor's report is received. Follow-up cards (Forms 326 and 327) will be made, and the post card (Form 326) will be sent with the letter of request to the supervisor. No mere acknowledgment of the receipt of such requests will be made.

If the district forester is of opinion or is informed by the supervisor that the report can not be submitted within the time specified in the letter of the Commissioner, he will inform the chief of field division, stating the reason for the delay and giving a date when the report will be transmitted. Two carbon copies of the letter to the chief of field division will be sent to the supervisor, one for his files and one for the information of the Forest officer who will make the report.

When the report is received from the supervisor, it will be acted upon as herein provided and forwarded to the chief of field division.

In all cases letters from the district forester to the chief of field division, submitting reports or making recommendations relating to claims, will be prepared with two extra carbon copies, one to accompany the original letter to the chief of field division and the other to be sent to the supervisor concerned for his information.

Action upon requests from the Solicitor for information or for special reports.

When the request is from the Solicitor and is received through the Forester, the same procedure will be followed as upon requests from the Commissioner of the General Land Office, except that the letter giving the information or transmitting the report will be addressed to the Solicitor and will be prepared by the district forester for the signature of the Forester. No copies of such letters need be sent to the chief of field division. When the request is from the Solicitor and is received through the district assistant to the solicitor, the information will be furnished to the assistant to the solicitor for transmission to the Solicitor.

Action upon requests for report on a claim under the act of June 11, 1906.

If the request is for a report on a claim initiated under the act of June 11, 1906, the letter in reply will be in the following form: "The Sundance 01718 'C' E.R.B. letter of January 15, 1911, from the Commissioner to the Forester, requesting report on this case, is received. As the entry to the land involved was initiated under the act of June 11, 1906, and as the Department of Agriculture has no authority to examine and report upon this class of claims, no report will be sent to you."

Action upon receipt of notice of final proof or application for mineral patent.

When a copy of local land office notice of final proof, or application for mineral patent, is received from the supervisor, one copy will be forwarded to the chief of field division with rubber-stamp reference signed by the district forester. When the copy of the notice is indorsed by the supervisor that report has been submitted to the district forester, the latter will verify the statement from his records, and if the report has been submitted (or will be submitted) by him to the chief of field division, he will inform the latter by further indorsement on the notice of the date it was or will be submitted. If the report was submitted under a former procedure to the Commissioner of the General Land Office, the district forester will inform the chief of field division by indorsement on the notice of the date it was submitted.

Action on notice of final proof on entries within proposed eliminations.

When the district forester receives a request from the supervisor for information or instructions regarding the indorsement to be made upon a local land office notice of final proof on entries within proposed eliminations, he will, if necessary, secure the information from the Forester before instructing the supervisor. If the indorsement, "The land involved is located within a proposed elimination from the National Forest, and no report will be made by the Forest Service," should be made, the district forester will instruct the supervisor accordingly, and when the indorsement has been made by the supervisor and two copies of the notices have been returned to the district forester one copy will be forwarded to the chief of field division by stamped reference signed by the district forester.

Action upon a claims report received with a trespass report.

When a claims report is received with a trespass report, a memorandum will be made showing the action, if any, upon the claims report. If it be decided that the claim should not be protested, the trespass report with the claims report and the memorandum will be referred to the district assistant to the solicitor, and no fur-

ther action will be taken regarding the claim. If it be decided that the claim should be protested, the report on the claim will be detached from the trespass report. The trespass report, accompanied by a copy of the claims report and the memorandum of action taken, will then be referred to the district assistant to the solicitor. Action upon the report on the claim will then be taken in accordance with the claims procedure.

Action upon receipt of notification of extension of public-land survey.

Notification of the extension of the public-land survey over lands within a National Forest will be received by reference from the Forester, and after a record of the extension has been made in the district office the notification will be sent to the supervisor concerned.

Correspondence with other bureaus.

By authority of the Secretary of Agriculture the Forester may correspond directly with chiefs of other bureaus in regard to purely routine matters that are not legal in character. Such correspondence, if prepared by the district forester, will be for the signature of the Forester.

Request to local land office and General Land Office for status of lands.

Whenever status of lands is required, it will be obtained, if possible, from the local land office. When necessary to secure status from the public land records in Washington, the district forester will use Form 31, changing the words "Register and Receiver" to "Forester." No letter will be used in making such requests to the Forester, but any explanation may be made, if necessary, by an accompanying memorandum. The request will be returned with the status report (Form 301).

District forester's annual report.

Annually on August 1 district foresters will submit to the Forester on standard atlas pages a report on claims. The report will be in the form prescribed in advance by the Forester.

PROCEDURE IN WASHINGTON OFFICE.

Action upon request from the Commissioner of the General Land Office for information or special reports.

No mere acknowledgment will be made of a letter of request from the Commissioner of the General Land Office for information or for a special report on a claim, but the letter of request will when necessary be referred by stamped indorsement to the proper district forester. Before forwarding the request a memorandum will be made and filed showing the title, file number, initials, and date of the letter of request, the number and kind of entry, and the name of the claimant or of the mineral claim.

Action upon request from the Solicitor for information or special report.

No mere acknowledgment will be made of a request from the Solicitor for information or for a special report in regard to a litigated claims case, but the request and any accompanying papers will when necessary be referred by stamped indorsement to the proper district forester, except when the circumstances may require a letter of instructions. Before forwarding the request a memorandum will be made showing: The date and subject of the Solicitor's request, and the date it was referred to the district forester; the number and kind of entry, and the name of the claimant or of the mineral claim. If the Solicitor's request is accompanied by

a copy of a letter from the Commissioner of the General Land Office, the memorandum will also show the file number, initials, and date of the Commissioner's letter. These memoranda will be used as promise cards, and when the reply to the Solicitor, prepared by the district forester for the signature of the Forester, is received the memorandum relating to it will be filed with the carbon copy of the reply

Appeals by Solicitor from decisions of the Commissioner of the General Land Office.

When a chief of field division, after receiving from a district forester a complete report and recommendation for adverse proceedings on a claim, has submitted to the Commissioner of the General Land Office a recommendation that a hearing is unwarranted, and when the Commissioner has approved the recommendation of the chief of field division, the Solicitor of the Department of Agriculture is notified of the decision. The regulations of the Department of the Interior provide that notice of every decision of the Commissioner of the General Land Office be given to the Solicitor of the Department of Agriculture, who may appeal from any such decision, and who may take other like action in the same manner as a private contestant; but the Department of Agriculture is not required to take formal appeals from the decisions of the registers and receivers.

Final decision on recommendation to institute a contest.

When a case is submitted to the Forester by the district forester after a disagreement between the district forester and the district assistant to the solicitor as to whether a contest should be instituted, the Forester will consult the Solicitor, and if necessary the case will be submitted to the Secretary of Agriculture for his decision. When a final decision is rendered, the Forester will return all the papers in the case to the district forester, with notice of the decision and appropriate instructions.

Action upon receipt of notification of extension of public-land survey.

Notification from the Commissioner of the General Land Office that he has approved the plat and field notes of the surveyor general of an extension of the public-land survey over lands within a National Forest will be forwarded by stamped indorsement to the district forester concerned.

Action on request of district forester for status of lands.

When request on Form 31 for report on status from the public-land records in Washington is received from the district forester, the request will be returned with the report (Form 301) without a letter of transmittal, but if any explanation is necessary it will be by memorandum referred by rubber-stamp indorsement.

SETTLEMENT.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory to the act of Congress of June 4, 1897 (30 Stat., 11), and by the act of Congress of June 11, 1906 (34 Stat., 233), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for settlement upon National Forest lands, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of February, 1912, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal, at Washington, D. C., this 19th day of December, 1911.

JAMES WILSON,
Secretary of Agriculture.

REGULATIONS.

Reg. L–50. The act of June 11, 1906, authorizes the Secretary of Agriculture to examine and ascertain the location and extent of lands within permanent or temporary National Forests which are chiefly valuable for agriculture, and which, in his opinion, can be occupied for agricultural purposes without injury to the National Forests and which are not needed for public purposes, to the end that they may be listed with the Secretary of the Interior for opening to settlement and entry under the act and homestead laws. The examination and listing of such lands are optional with the Secretary of Agriculture and may be made either independently or on application.

Applications for listing.

Reg. L–51. Applications for the examination and listing of lands under the act of June 11, 1906, must be in writing, must be dated, and must be signed by the applicant. If the tract applied for is covered by a public-land survey, it must be described by reference to subdivisions, section, township, and range within which it is located. If the tract is not covered by a public-land survey, it must be described by reference to natural objects, streams, or improvements with sufficient accuracy to identify it. Applications must be filed with the district forester of the district in which the tract applied for is situated. An application which is not in the form prescribed above will be returned to the applicant for correction. Priority of application will be determined by the order in which applications are filed with the district forester in the form prescribed herein.

Reg. L–52. The Secretary of Agriculture will not consider the qualification under the homestead laws of applicants for the examination and listing of lands under the act of June 11, 1906.

Reg. L–53. The rejection by the district forester of an application for the examination and listing of lands under the act of June 11, 1906, shall be final unless the applicant shall within 30 days after receipt of the district forester's decision, in which will be stated the grounds for such rejection, file with the district forester a petition for review of such decision by the Forester. The affirmance by the Forester of the district forester's decision shall be final unless within 60 days after notice of such affirmance the applicant shall file with the Forester a petition for review of his decision by the Secretary of Agriculture. Every petition for review provided for in the regulation shall state the grounds upon which it is based, and shall be accompanied by a full, clear, and succinct statement of all the material facts in the case, together with such argument as the petitioner may care to submit.

Reg. L–54. All applications by Indians for allotments of lands within the National Forests under section 31 of the act of June 25, 1910 (36 Stat., 853), which are submitted to the Secretary of Agriculture in order that he may determine whether the land applied for is more valuable for agriculture or grazing than for the timber found thereon must be made in the form prescribed by the regulations of the Secretary of the Interior governing Indian allotments on National Forests.

U. S. Department of Agriculture,
Forest Service,
Washington, D. C.

The following procedure and instructions are hereby established and issued to take effect February 1, 1912, governing the enforcement of the regulations of the Secretary of Agriculture relating to settlement in National Forests.

Henry S. Graves, *Forester.*

Approved December 19, 1911.
James Wilson, *Secretary.*

GENERAL INSTRUCTIONS.

Purposes of the National Forest homestead act.

The act of June 11, 1906 (34 Stat., 233), known as the National Forest homestead act, provides for the acquisition by qualified entrymen of agricultural lands within National Forests. This act is in effect an extension of the general provisions of the homestead laws to agricultural lands within National Forests with the essential difference that the land must be classified by the Secretary of Agriculture as chiefly valuable for agriculture, and that no commutation is allowed.

Authority and discretion of the Secretary of Agriculture.

This act authorizes the Secretary of Agriculture, in his discretion, to examine and ascertain, upon application or otherwise, the location and extent of lands, both surveyed and unsurveyed, in National Forests or in temporary withdrawals for National Forests, chiefly valuable for agriculture, which may be occupied for agricultural purposes without injury to the National Forests or public interests. He is authorized to list and describe such lands by metes and bounds or otherwise, and to file such lists and descriptions with the Secretary of the Interior for opening to entry in accordance with the provisions of the homestead law and the act.

Areas excepted from the act.

The act does not apply to National Forest lands in Santa Barbara and San Luis Obispo Counties in California, nor to parts of Lawrence and Pennington Counties in South Dakota, except where the land was settled upon or occupied prior to January 1, 1906.

Opening agricultural lands to entry.

Agricultural lands when listed by the Secretary of Agriculture are opened by the Secretary of the Interior to homestead entry, in tracts not exceeding 160 acres in area, at at the expiration of 60 days from the filing of the list in the local land office. Notice of the filing of the list is posted in the local land office and is published for a period of not less than four weeks in a local newspaper.

Preference rights of settlement and entry.

The act provides that the person upon whose application the land is examined and listed, if a qualified entryman, shall have the preference right of entry, unless there was a bona fide settler on the land prior to January 1, 1906, who has not abandoned the same, in which event the settler, if a qualified entryman, shall have the preference right. To exercise this preference right, application to enter must be filed in the local land office within 60 days after the filing of the list in that office.

Survey and notices on unsurveyed land before patent.

The law also provides that any entryman desiring to obtain patent to any lands described by metes and bounds, entered by him under the provisions of this act, shall, within five years of the date of making settlement, file with the required proof of residence and cultivation a plat and field notes of the lands entered, made under the direction of the United States Surveyor General, showing the boundaries of such lands, which shall be marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place, on the land embraced in such plat during the period prescribed by the law for the publication of his notice of intention to offer proof; and that a copy of such plat and field notes shall be posted in the local land office for a like period.

Under a recent cooperative plan effected between the Department of the Interior and the Department of Agriculture the original listing survey may be made, if desired by the applicant, under the direction and supervision of the surveyor general by a forest officer designated by him. Such survey, when made, will be accepted as the final survey for the issuance of patent, and will be without expense to the applicant except a nominal sum required for clerical work in the surveyor general's office.

Residence on land covered by entries.

While the patenting of lands under the commutation provisions of the homestead laws is prohibited on entries made under the act of June 11, 1906, entrymen shall, upon final proof, have credit for the period of their actual residence upon the land covered by their entries. The Secretary of the Interior by letter of January 12, 1910, ruled that the provision of section 1 of the act of June 11, 1906, which allows settlers credit for residence on lands covered by their entries, has reference to settlement initiated prior to the date of the act only, and that residence under permit issued by the Forest Service prior to the opening of the lands to settlement in the manner prescribed by the act is not occupancy of lands within the meaning of the homestead law and will not be credited as a part of the residential period required to secure patent.

Additional homestead rights given to actual settlers prior to Jan. 1, 1906.

The act also gives an additional homestead right of entry upon lands which have been listed as chiefly valuable for agriculture, to settlers upon such lands on January 1, 1906, who have already exercised or lost their homestead rights, but who are otherwise competent to enter under the homestead laws. Such entrymen must comply with the provisions of the homestead law and must in addition pay $2.50 per acre for the lands entered.

Settlement before opening is trespass.

This act does not authorize any settlements within National Forests, except upon lands which have been opened to settlement under its provisions.

Policy.

Lands within National Forests will be put to their highest use. Those which are more valuable for agriculture than for forest purposes or for public or administrative use, and that are not essential for a reservoir site and that have no value for power purposes, will be opened for settlement and agricultural development by homemakers, under the provisions of the act of June 11, 1906. Such permanent settlers are a direct benefit to forest administration and are desired, but the acquisition of timberlands or other natural resources for speculative purposes will not be allowed.

Mineral character of lands listed not determined by the Secretary of Agriculture.

The Secretary of Agriculture does not undertake to ascertain whether lands are mineral in character which are described and listed by him as chiefly valuable for agriculture. Any contests between mineral claimants and applicants for entry involving lands which have been listed under this act will be decided by the Secretary of the Interior.

Legal qualifications of applicant as entryman.

The legal qualifications of an applicant as an entryman on lands listed under this act will not be passed upon by the Secretary of Agriculture. Such qualifications will be passed upon by the register and receiver, subject to review by the Commissioner of the General Land Office and the Secretary of the Interior, when application for entry is made at the local land office after the land is opened to entry.

Small areas listed.

If any of the land applied for under the act is found to be chiefly valuable for agriculture, the application will not be rejected in its entirety because the portion of the land that can be listed as agricultural seems too small to warrant the applicant exercising his homestead right upon it or too small to enable him to make a livelihood exclusively from its cultivation. In such a case the applicant will be given the opportunity to state in writing whether he desires to exercise his homestead right on the small area, and if it is his desire, the land chiefly valuable for agriculture, even if only a few acres in extent, will be listed; otherwise his application will be rejected and the case closed. If, however, the tract is subsequently listed, on the application of another, or otherwise, all the facts in connection with the first application will be set forth in the listing letter.

Areas which can be listed on application and entered under the act.

While the Secretary of Agriculture may in his discretion list agricultural lands of any area within National Forests, such lands will be opened to entry by the Secretary of the Interior in contiguous tracts not exceeding 160 acres in area and not exceeding 1 mile in length. Any tract not exceeding 160 acres contained within a square mile, the sides of which extend in cardinal directions, is within the meaning of the phrase "one mile in length." The preference right of entry secured by any applicant relates only within these limitations to the particular tract covered by his application.

Areas needed for public use will not be listed.

Land which will be required for the use and protection of the public in general, or of the National Forests, or that are essential for a reservoir site, or valuable for power purposes, will not be listed under the act; but every effort will be made to effect an equitable adjustment of any conflict between the interests of the public and those of an applicant.

When agricultural land applied for includes a roadway used by the public, except a highway established before the creation of the National Forest under section 2477, Revised Statutes, or which may be needed in the future for the use of the public, or for the removal of timber on the National Forests, it will be specifically excluded from the area listed.

Section 2477 of the Revised Statutes of the United States provides that: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Hence, if a highway is constructed under this statute before the withdrawal of the land for a National Forest, a subsequent patentee takes the land subject to the right of the public to use the highway, the easement not being destroyed until there is a total abandonment on the part of the public, and it is not necessary to specifically mention the highway in the list. If the highway was constructed after the land was withdrawn from entry for a National Forest, and under a permit issued by the Forest Service, no easement would be obtained, and it is necessary to exclude the highway from the area listed. When the land applied for entirely surrounds a spring or watering place that is necessary in the administration of the Forest or for use by permittees of the Department, or by the public, so much of the land applied for will be excluded as is necessary to secure such uses. A tract which has been withdrawn or selected and posted for a ranger station or other administrative use will not be listed.

Listing lands affecting a municipal water supply.

Tracts applied for on a watershed used or needed for municipal water storage and supply will not be listed if settlement upon the area will injure the watershed or contaminate the water.

Listing lands within reclamation withdrawals.

Lands within a National Forest which are covered by a first-form withdrawal for reclamation purposes will not be listed. Lands which are embraced within a second-form withdrawal under the reclamation act will not be listed except with the approval of the Reclamation Service.

Application for listing land within the primary limits of an unsurveyed railroad grant.

Since the Secretary of the Interior has ruled that unsurveyed land, which upon survey will probably fall within a granted section, located within the primary limits of a railroad grant is not subject to entry under the act of June 11, 1906, such unsurveyed lands will not be listed.

Application for listing land within State school-land grants.

Land within school sections in a National Forest may be listed when such sections are unsurveyed; and when such sections are surveyed they may be listed if the State has selected other lands in lieu thereof and the selection has been approved by the Secretary of the Interior, and if the portion of such surveyed school sections sought to be listed was settled on prior to the survey of such section and the creation of the Forest.

Application for listing land within an abandoned military reservation.

Agricultural lands within abandoned military reservations included within a National Forest will be listed upon application; but the Secretary of the Interior has ruled that such lands must be appraised in accordance with the provisions of the acts governing disposal of lands in abandoned military reservations, and the entrymen must pay therefor the appraised price. (Acts of July 5, 1884, 23 Stat., 103; Aug. 23, 1894, 28 Stat., 491.)

Squatter's right to apply for land.

Squatters who settled upon unsurveyed land before its withdrawal for a National Forest, and who have complied with the general homestead law, have the same right to occupy and use their holdings as homestead entrymen, and may, at their option, await survey or apply for the examination of their lands under the act of June 11, 1906. Squatters who settled on unsurveyed National Forest land after its withdrawal, but prior to January 1, 1906, may apply for the examination of their lands under this act; but if such squatters fail after 30 days' notice to make application for listing trespass proceedings against them will be initiated. Upon the acceptance of their applications for listing squatters who settled on unsurveyed National Forest land prior to January 1, 1906, may occupy their tracts without permit pending the opening of the land to entry under this act. Squatters may, under the general homestead law, include in their claims 160 acres after the land is surveyed. Therefore if the land is occupied for agricultural purposes by squatters who settled upon it prior to its withdrawal, the examination will be made with a view of listing the entire tract settled upon, if not exceeding 160 acres, provided the whole tract as a farm unit is chiefly valuable for agriculture.

Application for listing land covered by a claim.

Land within a National Forest covered by a subsisting claim under any of the public land laws, except as to mineral locations for which no application for patent has been made, will not be listed. Applications for land covered by such claims will be accepted, but action upon them will be suspended until a final decision upon the claim is rendered by the Department of the Interior. Applications for land covered by mineral locations will be accepted and the land may be listed if chiefly valuable for agriculture.

Review or reexamination.

In determining whether land applied for under the act of June 11, 1906, is chiefly valuable for agriculture, it is entirely a question of fact and raises no question of law which can be made the basis for an appeal. When an applicant believes that a rejection of his application by the district forester is not justified by the facts, he may file with the district forester within 30 days after notice to him of the decision and the grounds therefor, a petition for a review of the facts, and, if necessary, for a reexamination of the land applied for. If the district forester adheres to his decision, the applicant may file with the district forester, within 30 days after notice of the second rejection of the application, a petition to the Forester for a review of the decision, and, if necessary, for a reexamination of the land applied for. If the Forester affirms the decision of the district forester the applicant may, within 60 days after notice of the decision of the Forester, and the reasons therefor, file with the Forester a petition to the Secretary of Agriculture for a review of the case. All applications for review should be accompanied by affidavit of the applicant, or of other competent witnesses,

fully stating the facts on which the applicant bases his contention that the land applied for is chiefly valuable for agriculture. The decision of the Secretary of Agriculture on review of the facts will be final.

Filing in local land office on tracts listed and opened to entry under the act of June 11, 1906.

Persons having preference rights under the act of June 11, 1906, may file their entries at the local land office at any time within 60 days after notice is published that the land has been listed in the local land office and before the land is open to entry. If, when the land is open to entry, the applicant having a preference right has failed to file his entry, it will be subject to entry by the first qualified person to make application at the local land office. Except as expressly provided in the act, title to the land may then be acquired under the same conditions as are prescribed by the general homestead laws for public land outside the National Forests.

Indian allotments on National Forests.

The act of June 25, 1910 (36 Stat., 863), provides that allotments of not exceeding 80 acres of agricultural land, or 160 acres of grazing land, within the National Forests may be made by the Secretary of the Interior to any Indian occupying, living, or having improvements on such land, who is not entitled to an allotment in any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof, when the Secretary of Agriculture has determined that such lands are more valuable for agricultural or grazing purposes than for the timber found thereon. The procedure governing the making of such applications and allotments is given under "Settlement—Procedure on National Forests."

PROCEDURE ON NATIONAL FORESTS.

Applications to be forwarded to the district forester.

Applications for the examination and listing of agricultural land under the Forest homestead act should be addressed to and filed with the district forester, and, when received by forest rangers or forest supervisors, will be immediately referred to the district forester. Forest supervisors and district rangers should keep on hand a supply of application blanks, Form 253, which will be furnished to prospective applicants upon request.

Action on application received by reference from the district forester.

Upon receipt by the supervisor of carbon copies in duplicate of the letter of acceptance to the applicant, an index card and folder will be prepared for the case. Upon the index card will be entered the case designation and such notation as may thereafter be necessary. A blank white card will be used for this purpose. The index cards and folders will be filed alphabetically by the names of the applicants. The promise card (Form 326) forwarded with the request for report will be filled in with the approximate date the report may be expected by the district forester, and will be signed and mailed to the district office. The copy of the district forester's letter accepting the application will be accompanied by a township plat (Form 974) showing the status of the land applied for.

Preparation of tract book. The tract book shall consist of township plats (Form 123), one for each township in the Forest, index sheets (Form 124), and wing binders.

Townships are recorded first in the order of the towns, north and south, and then in the order of their ranges, east and west, thus:

T. 1 N., R. 1 E., R. 2 E., R. 1 W., R. 2 W.
T. 2 N., R. 1 E., R. 2 E., R. 1 W., R. 2 W.
T. 1 S., R. 1 E., R. 2 E., R. 1 W., R. 2 W.
T. 2 S., R. 1 E., R. 2 E., R. 1 W., R. 2 W.

When an application is received by reference from the district forester, the necessary entries will be made in the first eight columns in the tract-book index sheet (Form 124). The date entered under "Sent for examination" will be the date of the district forester's letter of acceptance to the applicant. The number of the application will be entered on the township plat (Form 123) in ink in each 40 or fraction of a 40 applied for in the proper township and section. When the application is for unsurveyed land, the approximate location of the land applied for will be indicated in pencil on the township plat (Form 123) by a circle containing the number of the application. When the location is ascertained by subsequent survey it will be entered in ink and the pencil notation will be erased.

Entry of status on tract book. The following legend will be used to indicate on the township plats (Form 123) the status of particular tracts as shown by the records of the Forest Service or General Land Office:

H. E., pending	a dark green	**H.**
Patented or F. C	a dark green	**V.**
Desert-land entry	a dark green	**D.**
Timber and stone entry, pending	a dark green	**T.**
Timber and stone entry, patent	a dark green	**T. P.**
Lieu selection, pending	a red	**L.**
State selection, pending	a blue	**?**
State selection, approved	a blue	**V.**
School land	a blue	**S.**
School land (unsurveyed)	a blue	**S. ?**
School indemnity, pending	a blue	**I.**
School base for indemnity	a blue	**B.**
Railroad selection, pending	a yellow	**R.**
Railroad selection, approved	a yellow	**V.**
Railroad primary limits	a yellow	**O.**
Railroad indemnity, pending	a yellow	**I.**
Mineral classification	an orange	**M.**
Nonmineral classification	an orange	**N. M.**
Townsite (hatched in)	a dark pink.	
Reconveyance, pending	a red	**C.**
Public land	a red	**V.**
State boundary line	a double red-ink line with State names written in.	
Reservoir site, approved	an **R.**, half red, half dark green.	
Reservoir site, pending	an **R.**, as above, followed by ?.	

Reclamation Service withdrawals are outlined in yellow, and a notation of the date and title of project made on the margin of the plat. Abandoned military reservations are outlined in blue, with a proper notation on the margin of the plat. Dark green is used to indicate the Forest boundary.

The tract book will be kept up to date at all times in order that the supervisor's record may be identical with the record in the district office.

Instructions to examiner and reference of application for report.

When the application has been properly recorded in the tract book, one copy of the district forester's letter of acceptance of application, together with the township plat (Form 974) and a promise card (Form 328) will be forwarded to the examiner. This letter ordinarily will be the examiner's instructions to make the examination and report, but may be accompanied by a special letter of instructions. If an application covers any lotted tract, it will be checked with the official township plat and the examiner will be informed whether the lotted tract is irregular or rectangular and will be instructed to submit with his report a metes and bounds survey covering any fraction of an irregular lotted tract included in any area recommended for listing. He will also be instructed that a metes and bounds survey is not required if all of an irregular lotted tract is recommended. The examiner will date and sign the promise card and return it to the supervisor after making proper notation for his information. Great care should be taken by the supervisor in handling these examinations, and the examiners should be personally instructed whenever possible. Owing to the prime importance of this work, to the danger of inconsistent action, and to the difficulty of conveying by report a clear idea of the listability of lands in doubtful cases, it is advisable that only the more experienced and efficient Forest officers be assigned to this work. Supervisors will give as much personal attention to the work as possible, so that reexaminations will not be necessary, because reports fail to represent the true conditions of the lands applied for.

Unless prevented by dangerous fire conditions in summer or adverse climatic conditions in winter all reports are due at the district office within 60 days of the date they are referred for examination. The examiners must be supplied with all necessary surveying instruments, maps, blanks, drawing instruments, inks, and colored crayons in order that he may be fully equipped for the work.

Action by examiner in preparation of report.

Upon receipt of instructions to submit a report the examiner, if a district ranger, will prepare a folder for the case and place it in his files. Reports in triplicate will be made in accordance with the outline on Form 110. When two or more applications cover the same tract, a report in full will be made by the examiner upon the prior application only. A report will also be submitted on each subsequent application for the same tract, but such reports will give only the name of the applicant, the date and number of the application, the location of the tract applied for, any special information bearing upon the settlement or occupancy of the tract by the applicant and a reference to the complete report on the prior application. When applications conflict in part only, complete report will be made on each application and a reference will be made in each report to the application with

which it conflicts in part. Since the final action on an application depends on the nature of the examiner's report, the report must be full and complete in every particular. When an application covers surveyed land, the examiner will be certain that the proper public survey corners are located before commencing the examination, and his work thereafter should be as accurate as the topography of the country will permit. In reporting upon the amount and value of timber on the land the examiner must give the estimated average stand per acre and total stand on the entire area applied for. If a part only of the land applied for is recommended for listing, the report must give separately the average stand and value of the timber per acre for the part recommended and also for the part not recommended for listing. While the Secretary of Agriculture does not undertake to pass upon the applicant's qualifications to make entry upon the land listed, the examiner should submit any information he may have regarding occupancy or settlement on the area applied for, and the information will be transmitted to the Secretary of the Interior when the land is listed.

The act of June 11, 1906, with regard to the length of Forest homesteads has been construed by the Secretary of the Interior as follows: "Any tract not exceeding 160 acres in area which may be contained in a square mile, the sides of which extend in cardinal directions, is understood to be within the meaning of the law." The examiner should not recommend for listing to one applicant any tract which exceeds the prescribed length or area.

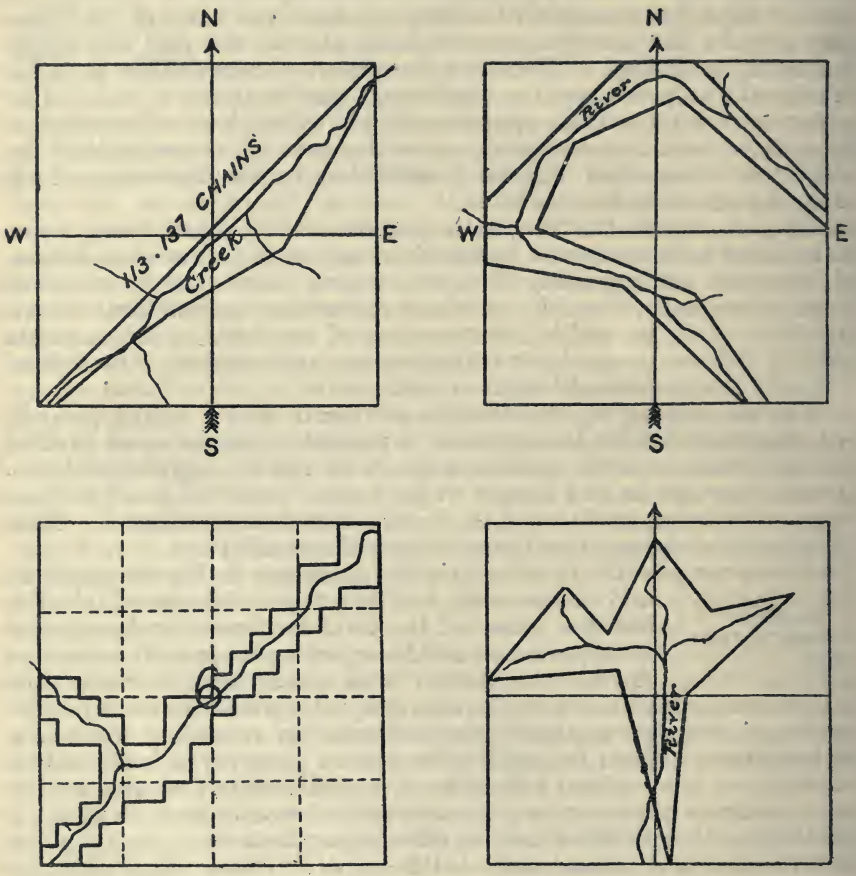
The accompanying illustrations of tracts which might properly be recommended for listing make it possible in many cases to allow an applicant a much greater amount of strictly agricultural land lying along creeks and narrow valleys than would be possible under any other interpretation of the term "one mile in length." These illustrations represent sections or approximate sections.

Examiner to consult applicant.

Whenever possible it is best for the examiner to see the applicant and discuss with him any facts which tend to establish the value of the land for forest or for agricultural purposes, and have him accompany the examiner during the survey and examination. Since final action can be taken only by the Secretary of Agriculture the examiner will not give the applicant any information regarding his recommendations. When the application covers unsurveyed land, and the description is somewhat indefinite, it is particularly desirable to have the applicant present when the survey and examination is made, in order that the examiner may be certain that he is examining the land for which the applicant intended to apply. When the applicant is present at the time of examination, and learns, upon the survey being made, that he has not described in his application the land for which he intended to apply, he may make an amended application, which must be addressed to and filed with the district forester, and a copy may be at once given to the examiner, who will then, without waiting for further instructions, examine and report upon the lands covered by the amended application. In such cases the copy of the amended application will be submitted with the report, and a statement attached to the report showing how and why the application was amended.

Instructions for survey and maps of land applied for.

Surveys will be made in accordance with the manual "Instructions for Making Forest Surveys and Maps." The map accompanying the report must show the location, topography, and cover of the land reported upon, together with road and improvements thereon. For this purpose colored crayons will be used for showing the classifications in conformity with the Forest Atlas legend. These crayons are furnished in boxes of 12, provided with labels showing the number of the pencils to be used for each classification. The lands for which



application is made will be shown by a heavy black ink line, and the boundary of administrative sites will be shown by a red line. The lands that are recommended for listing will be clearly outlined on the map with a blue pencil line. National Forest boundaries will be shown on the map with a green pencil line. The descriptions will cover both the area applied for and that recommended for listing. Where any departure is made from the exact area applied for, or where acreage is not apparent in the application, and the field examination shows it to be less than 160 acres, an explanation should be added. In every case the classification of cover on the land must

appear as a legend on the map (Form 878). Where a tracing on Form 220 is prepared in the case of land listed by a metes and bounds survey the cover will not be shown on the tracing. The tracing will be made with black waterproof ink only. On surveyed lands where the cover is of considerable value, listing may be recommended in not less than 2½-acre rectangular tracts; otherwise the minimum unit should not be less than 10 acres. A metes and bounds survey will be necessary in every case where unsurveyed lands or where only a portion of an irregular lotted tract is recommended for listing. Surveys and field notes will not be required when the examiner recommends against listing. The Secretary of the Interior has decided that survey of tracts entered under this act will not be required when such tracts can be described as quarter-quarter sections or lotted portions of surveyed sections, or as a quarter or a half of a surveyed quarter-quarter section or rectangular lotted tract, or as a quarter or a half of a surveyed quarter-quarter-quarter section or rectangular lotted tract. In every instance permanent and substantial monuments must be erected, and they must be plainly marked or chiseled. Posts may be used, but stones are preferable for monuments when they can be obtained. The bearing trees must also be well marked for future identifications.

Preparation of field notes.

Since the survey notes must conform to the requirements of the General Land Office, they must be prepared in accordance with the "Instructions for Making Forest Surveys and Maps." The original and four carbon copies of the field notes will be prepared and transmitted to the supervisor with the report. The examiner must check over the original field notes for typographical errors and date and sign them before forwarding his report to the supervisor.

Land needed for public or administrative use will not be listed.

If the land applied for entirely surrounds a spring or watering place that is necessary in the administration of the Forest or for use of permittees or the public, the listing of so much of the land as is necessary to protect such users should not be recommended, or if the land is found to be essential for a reservoir site or is valuable for power purposes its listing should not be recommended. If it is found that the withdrawal from entry of the land applied for is essential for the protection of an important watershed to prevent contamination of a city's water supply, or which may be needed for roads or other public uses, or in connection with the removal of timber from National Forest lands, listing should not be recommended. Ordinarily a width of no more than 33 feet should be excluded for a roadway, since the right of way is usually within the best agricultural land recommended for listing; but when a width in excess of 33 feet is necessary it should be excluded and a statement of the necessity must be made in the report. When such rights of way are needed, they must be excluded from the tract recommended for listing in accordance with the decision of the Secretary of the Interior. In describing the area recommended for listing the following clause must be added to the report: "Except a strip of land 33 feet wide, within the exterior boundary lines thereof, which strip is particularly described as follows (describe the place of beginning with bearing points): Extending thence 16½ feet on each side of a line running (give courses and distances) to the place where the end of the strip closes with the boundary of the tract listed."

Where the land has been theretofore surveyed by legal subdivisions, the exception may be in the following words (as, for example, where the purpose is to maintain a right of way along the line of survey), "except a strip 33 feet wide off the south side thereof" (or on whatever side or along whatever line it is desired to make exception).

The Secretary of the Interior has ruled that the law prohibiting the inclusion in one entry of noncontiguous tracts will not be construed to apply to tracts listed under the act of June 11, 1906, from which a strip has been excluded for a right of way. Recommendations will be made for the exclusion of a strip for all roads, either existing or desired, whether the public has an easement in them or not, where it is believed that failure to do so will be detrimental to the interests of the United States.

It is not necessary to recommend the exclusion of a strip of land covered by a private ditch, telephone line, etc., or a right of way that is already acquired under an act of Congress and the regulations of the Department of the Interior. The entryman on the land does not acquire any interest in that part of the land excluded for the right of way under the procedure outlined above, and the acreage of the right of way should be computed and stated in connection with the recommendation for its exclusion, as well as the total area of the lands within the exterior boundary of the tract to be listed. The latter area may therefore embrace a surplus of land to the extent of the area of the right of way excluded, and examiners should bear this in mind, so that where possible the applicant may be given sufficient land to offset the area excluded. When the examiner recommends that a strip of land be excluded from the tract he recommends for listing, a tracing on Form 220 should be prepared showing the courses and distances of the lines bounding such excluded area and the approximate acreage to be excluded. This tracing should be submitted with the report, and the location of the excluded strip should also be shown on the map on Form 878. The report must state in each case whether the excluded strip is for an existing or established public highway or road or for a proposed road, and if the latter the reasons should be fully stated. These instructions apply whether the area listed is described by metes and bounds or is a legally surveyed subdivision.

Applications in conflict with mineral locations.

In case the examiner finds that an application conflicts with a mineral location or locations upon which application for mineral patent has not been made that fact should be fully covered in the report. The examiner will not endeavor to pass upon the mineral character of the land, but a statement will be made showing the work done and improvements constructed by the mineral claimant. If any of the land is found to be more valuable for agriculture than for forest purposes, such land will be recommended for listing, and the district forester will take the matter up with the applicant upon receipt of the report.

Applications in conflict with irrigation ditches under permit.

When an irrigation ditch constructed or maintained under special-use permit exists upon a tract which will be recommended for listing, the permittee should be advised of his right to obtain an easement prior to the listing of the tract under the act of March 3, 1891 (26 Stat., 1095).

Photographs may accompany reports.

In all doubtful cases photographs of the area applied for may be taken and submitted with the report.

Recommendations of the examiner.

The examiner's report must be complete in every detail and contain definite recommendations for or against listing the land. The entire area applied for must be the subject of the recommendations. If only a portion of the area may be listed, definite reasons must be given for the rejection of the balance. When the area applied for and recommended for listing is less than 160 acres, the examiner may include in his report and recommendation for listing any contiguous area of land chiefly valuable for agriculture and not needed for public uses, which with the area applied for and recommended for listing will not exceed 160 acres.

In deciding whether the land applied for should be listed it must be shown that it is not needed for public uses, including reservoir sites, and that it has no value for power purposes and that its value is greater for agricultural than for forest purposes. It is necessary that the values for forest and agricultural purposes, respectively, be separately appraised and that the basis for such appraisal be clearly shown.

To determine its value for forest purposes the report must give the quantity, kind, and value of merchantable timber and of reproduction and the importance of the forest cover for the protection of water supply. The value of the young forest growth below merchantable size and the value of the land itself for the production of timber should be estimated as closely as practicable on the basis of expected yield, using any silvical data available.

To determine its value for agricultural purposes, the report must show the extent to which the land is susceptible of producing cultivated crops, with or without irrigation, and the kind and value of the crops that can be produced. In deciding this the soil, climate, altitude, slope and water supply, distance and accessibility to market must be considered. While accessibility should be considered in determining the relative value of lands for agricultural and forest purposes, distance and inaccessibility to market will not be grounds for the rejection of land which is chiefly valuable for agriculture. As far as practicable under local conditions the market value of improved farm lands in the locality similar in character to the tract applied for, as determined by sales, should be ascertained and reported, together with the cost of putting the land applied for in similar condition. The value of the tract in its present state for agricultural purposes should usually be appraised by deducting the cost of clearing and other necessary improvements from the current price in the locality of improved farm lands of similar character.

Lands valuable for the purpose of grazing only will not be listed under the act of June 11, 1906, but grazing land may be included in an area listed as agricultural land, provided that the area of the grazing land does not exceed the area of the cultivable land.

In determining the boundaries of the area to be recommended for listing they should be established with reference to what constitutes a reasonable farm unit. Small areas of timbered or nonagricultural land may be included for this purpose or to permit the inclusion in

one listing of bodies of agricultural land which would be rendered noncontiguous through the exclusion of such small areas.

A policy which is liberal to the applicant should be followed in appraising the agricultural value of tracts of arable land without value for forest purposes and which may otherwise be listed under the provisions of the act.

The personal qualifications of the applicant or his ability to make a living or maintain a home upon the land must not be considered by the examiner. His strength or health or his ability or experience in agricultural pursuits will not be considered.

If all or any part of the land is found to be chiefly valuable for agriculture and not needed for public use and may be occupied for agricultural purposes without injury to the National Forest, it will be recommended for listing.

Verification of location and submission of report to supervisor.

Before submitting the report to the supervisor the examiner must check the written description of the land reported on with the area shown on the map. The examiner will then sign and date the report, affix his title, and submit the report in triplicate to the supervisor.

Action by supervisor on examiner's report.

When the report is received by the supervisor, if it is found to be incomplete or incorrect, it will be returned to the examiner with appropriate instructions. Before approving the report the supervisor should check it with the tract book to ascertain whether the description of the land reported on coincides with the description of the land applied for. If the land recommended for listing includes lotted tracts, the official township plat should be consulted to see whether a part of any irregular lotted tract has been recommended for listing without being described by a metes and bounds survey. When a metes and bounds survey has been made the field notes and tracing should be checked to see whether they are correct and in proper form. Finally, the entire report should be carefully scrutinized that it may be complete and correct in every particular before being submitted to the district forester. When the report is complete and the supervisor concurs in the recommendations of the examiner, he will indorse it "Approved," sign his name, and affix his title and the date of approval. If the supervisor does not agree with or approve all of the examiner's recommendations, his own recommendations, with his reasons for making them, will be made on a separate sheet and attached to the report. He will also indorse at the bottom of the examiner's report a reference to the attached statement and recommendations.

Report submitted to the district forester.

When final action upon the report has been taken by the supervisor the original will be submitted to the district forester, one copy will be placed in the supervisor's files, and one copy sent to the district ranger. When unsurveyed land is reported on the supervisor will forward the tracing on Form 220 and the original and four carbon copies of the field notes in addition to the original report. When the report recommends that a strip of land be excluded from the area to be listed, the tracing showing the excluded strip should accompany the report. Before submitting the report the supervisor will make pencil notation in the tract book index sheet (Form 124) of the action taken by him in the case.

Free special-use permits on lands recommended for listing and on excluded right of way.

Applicants who appear to have the preference right of entry under the act may secure without charge a permit for the agricultural use of that portion of the land which has been examined and which, in the opinion of the supervisor, is chiefly valuable for agriculture and not needed for public use, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906.

Free permits for the occupancy and use of agricultural lands which is recommended for listing will be issued only under the following conditions:

1. When the applicant wishes to occupy the land which has been examined and favorably reported upon, pending its listing under the act of June 11, 1906.

2. When the applicant is doubtful of the agricultural possibilities of the land and desires an opportunity to ascertain whether crops can be raised on it before using his homestead right.

3. When a strip of land for a road right of way has been excluded from an area recommended for listing, the applicant upon whose application land has been examined or the entryman on the area listed may be issued a free agricultural permit for the use of the excluded strip, so long as it is not needed for road purposes.

When the permit is issued under conditions 1 or 2, the following paragraph will be incorporated in the permit:

This permit shall not be construed to give the permittee any preference right of entry under the act of June 11, 1906. This permit shall terminate when the land is listed; but if it be shown that the permittee has not the preference right of entry the listing of the land will be deferred by the Secretary of Agriculture to protect the growing crops.

When the permit is issued under condition 3, the following paragraph will be incorporated in the permit:

This permit shall terminate upon notice to the permittee by the forest supervisor that the land is needed for road purposes.

Free special-use permits will be closed when the land is listed.

Record on tract book of final action by Secretary or district forester.

Copies of all letters and blue prints and field notes showing final action taken on an application by the Secretary of Agriculture, district forester, or Secretary of the Interior will be transmitted to the supervisor in duplicate, one copy for the supervisor's files, and one for the district ranger. Upon receipt of a letter showing that final action has been taken on an application, the notation "listed," "rejected," "canceled," "eliminated," or "withdrawn," as the case may be, will be made in the "Recommendation" column on the index sheet (Form 124). In the "List No." column, give, if listed, the number of the list. If rejected because the land was not chiefly valuable for agriculture, enter a green "X." If rejected because the land is patented, enter a green "V." If rejected because of conflict with a ranger station, enter the letters "R. S." in red ink. If the application is rejected because of conflict with railroad lands, enter a yellow "V" or "O," as the case may be. If rejected because chiefly valuable for power purposes enter an "X" with black pencil surrounded by green border crayon No. 69. When canceled for the reason that the applicant does not reply to letters from the

district office, enter "no reply" in this column. In the "Date listed" column should be entered the date that final action was taken on the application by the district forester or Secretary of Agriculture. If all or any part of the tract applied for is recommended for listing, the total number of acres recommended will be entered in the "Acreage" column. The exact area will be outlined and hatched in green on the township plat (Form 123), and the list number written in red ink across the tract listed. Land which is not listed should be shown on the township plat by a green "X" on each 40 or smaller subdivision. When an application is canceled, rejected, eliminated, or withdrawn, a black ink line will be drawn through the application number on the area shown on township plats.

Closing settlement cases.

The supervisor will close all cases as soon as notice is received from the district forester of the final action taken in the case. Upon receipt of the Interior Department notice that final action has been taken to restore the land to entry, it will be placed in the folder in the closed file. Papers in the folders of closed cases may be transferred when necessary to the folders of new or supplemental applications, leaving an appropriate memorandum in the closed folder.

In every instance a copy of the letter closing the case should be sent to the ranger for his files. The supervisor will instruct the ranger that no action will be taken, after the notice of listing has been received in regard to the erection of improvements on, or cultivation of, listed lands by the applicant or other persons.

Annual report.

Supervisors will include in their statistical report (Form 446) to the district forester, due on July 15, a statement of the settlement work on their Forests for the preceding fiscal year.

Sec. 31 of the act of June 25, 1910 (36 Stat., L. 855), provides:

Indian allotment under act June 25, 1910 (36 Stat., 855).

That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws as amended by section 17 of this act, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.

Under section 17 of the foregoing act the maximum quantities of land which can be taken in allotment are as follows:

40 acres of irrigable land, or
80 acres of nonirrigable agricultural land, or
160 acres of nonirrigable grazing land.

Lands to which the mineral laws of the United States apply are not subject to allotment under the provisions of this act. Indians desiring to apply for allotment within National Forests must produce satisfactory evidence to show that they are in possession of or have improvements on the lands desired, and further that such lands are more valuable for agricultural or grazing purposes than for the timber found thereon. Any Indian making application for allotment is

required to take oath that he is an Indian of a certain tribe; that he was born in the United States; that he is the head of a family or a single person over the age of 18 years, as the case may be; that he has not heretofore received an allotment; that he is not entitled to an allotment on a reservation, or that no reservation has been provided for his tribe, or, in lieu of the latter declaration, that there was not sufficient land set aside to afford an allotment to each member thereof. The applicant must show further that he has made actual bona fide settlement on the lands described, for his exclusive use and benefit, or that he has improvements thereon. This affidavit must be corroborated in so far as his Indian character, nativity, and actual bona fide settlement or erection of improvements are concerned, by the affidavits of two or more disinterested witnesses (who may be Indians), or by the affidavit or certificate of some field officer of either the Department of Agriculture or the Department of the Interior. A nonmineral affidavit, executed on the prescribed form, must accompany each application for allotment. Applications must be submitted to the supervisor of the particular National Forest affected, by whom they will be forwarded with appropriate report, through the district forester and Forester, to the Secretary of Agriculture, in order that he may determine whether the land applied for is more valuable for agriculture or grazing than for the timber found thereon.

In case the land is found to be chiefly valuable for agriculture or grazing, the Secretary of Agriculture will note that fact on the application and return it to the applicant with instructions to file it with the register and receiver of the proper local land office.

Should the Secretary of Agriculture decide that the land applied for or any part of it is chiefly valuable for the timber found thereon, he will transmit the application to the Secretary of the Interior and inform him of his decision in the matter. The Secretary of the Interior will cause the applicant to be informed of the action of the Secretary of Agriculture.

Forest rangers and supervisors and district officers will afford every facility to Indians desiring to take allotments under this act, and will assist them wherever necessary in the preparation of their applications and the required proofs. Blank forms for application may be had from the Indian Office, any local land office, forest supervisor's, or district forester's office.

PROCEDURE IN DISTRICT OFFICE.

Action on receipt of application.

Applications for the examination and listing of agricultural land under the Forest homestead act will be addressed to and filed with the district forester. When an application is received in the district office, it will be immediately indorsed with the date and hour of its receipt, and the indorsement will be certified by the initials of the mail clerk by whom it was made. An index card and folder will be prepared for each application received. Upon the index card will be entered the case designation and such notation as may thereafter be necessary. The index cards will be filed alphabetically by the names of applicants. The folders will be filed by Forests, and thereunder alphabetically by the names of applicants. When an application is received which does not conform to the requirements of Reg. L–51

or which applies for over 160 acres, or for two or more noncontiguous tracts, it will be returned to the applicant for correction. Applications when received in the form prescribed by Reg. I–51 will be given consecutive numbers by Forests in the order of their receipt by the district forester.

Entry of applications in tract book.

The tract books for each Forest will consist of township plats (Form 123), one for each township in the Forest, index sheets (Form 124), and wing binders. The tract books will be prepared in accordance with the procedure on National Forests, and the necessary entries made on the Forms 123 and 124 in the same manner as provided in those instructions.

Securing status and notation on tract books.

Whenever status of lands is required, it will be obtained, if possible, from the local land office. When necessary to secure status from the public-land records in Washington, the district forester will use Form 31, changing the words "Register and receiver" to "Forester." No letter will be used in making such requests to the Forester, but any explanation may be made, if necessary, by an accompanying memorandum. The request will be returned with the status report (Form 301). When the status of the land applied for is ascertained, it will be noted on the township plat (Form 123) and the status report filed with the other papers in the case.

Notification to applicant of acceptance of application.

If the status records show that the land applied for is not covered by any entry under the public-land laws or any subsisting claim, the applicant will be notified by letter of the acceptance of his application. If the application is an amended one, the original must be withdrawn unless the amendment is an addition to the original application. In the latter case the amended application will be given the same number as the original application.

Application referred to supervisor for examination and report.

The supervisor will be informed of the acceptance of an application by forwarding to him carbon copies, in duplicate, of the letter to the applicant. These copies will be accompanied by a promise card (Form 326) and a township plat (Form 974), on which will be noted the location of the land applied for, if surveyed, and a description of it if unsurveyed, and the case designation. On Form 124, in the tract book, will be noted the date the application is sent for examination.

Action on report of examiner.

Upon receipt of the examiner's report it will be carefully scrutinized to insure the thoroughness of the investigation and the completeness of statement. If for any reason it appears that the report is erroneous or incomplete, it will be returned to the supervisor who approved the report, indicating its defects and requiring its correction. If the report recommends the listing of an area not included in the original application, the applicant will be given an opportunity to amend his original application, if he has not already done so, to include the additional area recommended, provided that the total area does not exceed 160 acres. When the report covers unsurveyed land, the field notes and tracing on Form 220 will be referred to Atlas. When the report recommends that a strip of land for road right of way be excluded from the tract to be listed, the tracing showing the excluded strip will be referred to Atlas.

The tracings and field notes will be checked as to accuracy and sufficiency of survey, and five blue prints will be made from the tracings. When necessary, the report may be referred for review to the offices of silviculture or grazing. This will be left to the discretion of the district forester. When the report has been finally approved, the proper notation should be made in the tract book on Forms 123 and 124. If all or any part of the tract applied for is recommended for listing, the exact area should be outlined and hatched with a green crayon on Form 123. Any portion of the tract that is found to be not chiefly valuable for agriculture should be indicated by a green "X" in each subdivision on the township plat.

Survey of tract by metes and bounds.

If the tract recommended for listing is unsurveyed, or the exception of a strip for a roadway is necessary, so that a metes and bounds survey is required, the applicant will be notified that the survey may be made by the Forest Service under the direction of the surveyor general, if the applicant will deposit with the proper surveyor general a sufficient sum to pay for the clerical work necessary in his office, and that the expense to the applicant shall not exceed that sum. The district forester will forward a copy of the application to the surveyor general, and, upon receipt of notice from him of the name of the person designated to make the survey and that the deposit in payment of clerical work has been made, will instruct that the survey be made. The surveyor will report the result of his work to the supervisor in the usual manner.

Free special-use permits.

If an applicant desires a free special-use permit pending the restoration of the land to entry, he will be referred to the forest supervisor of the Forest in which the land is located, since all permits of this character will be issued by the forest supervisors.

Withdrawal of applications.

Applications may be withdrawn at any time prior to the date that the land is listed with the Secretary of the Interior by the Secretary of Agriculture. Upon the receipt of a written request to withdraw an application, the proper notation will be made in the tract book on Forms 123 and 124. Applications when withdrawn are not removed from the plats, but are merely canceled by drawing a black-ink line through the application numbers. Subsequent applications by the same person are given new numbers. The applicant will be informed by letter of the action taken upon his request for withdrawal, and two carbon copies of the letter will be forwarded to the supervisor, one for the supervisor's and one for the ranger's file.

Rejection of applications.

If the examiner's report upon an application is adverse, the proper form letter will be prepared for the signature of the district forester. Two carbon copies of the letter will be forwarded to the supervisor, one copy for his files and one for the ranger.

When the application is rejected because the land is not chiefly valuable for agriculture, a green "X" will be placed in each 40 or smaller subdivision on the Form 123 in the tract book, and the same mark made in the "List No." column on the Form 124 index sheet. The final action taken, with date of rejection, will be noted on the Form 124 in the tract book and the case closed.

When an application is received for a tract of land that has been examined and unfavorably reported upon on a prior application, the application will be rejected unless known changes in local conditions justify reexamination.

Reinstatement of original application on reexamination.

If a reexamination shows that the land should be listed, the original application will be reinstated, and the prior applicant or applicants notified.

If the examiner's report shows that only a part of the land applied for is chiefly valuable for agriculture, the applicant will be informed of the result of the examination and will be requested to state whether he desires to exercise his homestead right upon the area which may be listed. Upon the return of the signed blank, which will be inclosed with the letter, the necessary action will be taken. In case the applicant withdraws his application, the procedure will be as prescribed under "Withdrawal of applications." If the applicant wishes the agricultural land listed to him the case will thereafter be handled the same as if all of the land applied for had been recommended for listing.

Notification to applicant of reduced area that has been recommended for listing.

If no reply is received from the applicant within 30 days, a second notice will be issued. If no reply is received to the second notice within 30 days, a letter will be written to the applicant advising him that his application is rejected and the case closed. The case will then be noted as closed on the tract books. If, however, the tract should be subsequently listed on the application of another, or otherwise, and either separately or as a part of another tract, all of the facts in connection with the first application for such tract should be set forth in the listing letter to the Secretary of the Interior.

When lands covered by applications under the act of June 11, 1906, whether listed or not, are to be eliminated from a National Forest, the applicants should be informed of that fact and that the Secretary of the Interior has decided that after such lands have been eliminated they can not be entered under the act of June 11, 1906, but will be subject to entry under the general land laws. The applicant should be further informed that when the land is eliminated from the Forest the case will be closed as far as the Department of Agriculture is concerned and that they may ascertain from the Interior Department the date the land will be opened to entry.

Notice to applicants when lands applied for have been eliminated from the Forest.

Two copies of the letter to the applicant will be forwarded to the supervisor in order that the supervisor and ranger may be informed, and proper notation will be made on the township plat and index sheet in the plat book.

If an application is received for the listing of land covered by a mineral location for which application for patent has not been made, and where the land is chiefly valuable for agriculture and not needed for public use, the applicant will be informed of the mineral location and that the listing of the land under the act of June 11, 1906, will have no bearing upon the determination of the questions which may arise in a contest before the Interior Department between mineral and agricultural claimants. The applicant will be asked whether, under these circumstances, he desires to exercise his home-

Applications in conflict with mineral locations.

stead right on the land. If the answer is in the affirmative, the land will be recommended for listing. In every case the applicant's signed statement must be included with the other papers in the case when the listing letter is forwarded.

Applications in conflict with municipal water supply.

Applications for the listing of lands on a watershed used for municipal purposes will be accepted unless such lands have been closed to listing by the Secretary of Agriculture for the protection of the municipal water supply. If an application is received for lands which the Secretary has not closed to listing, the wishes of the municipality will be ascertained before final action is taken. The district forester will forward to the proper officials of the municipality a description of the land and request them to state whether in their judgment the occupancy of the land will injure the watershed or contaminate the water.

Applications in conflict with reclamation withdrawals.

If an application is received for the listing of land within a National Forest that is covered by a second form withdrawal under the reclamation act, the applicant will be notified that the land will not be listed until the approval of the Reclamation Service is secured. The district forester will forward a description of the land applied for to the supervising engineer of the Reclamation Service and request him to state whether the listing of the land will interfere with the purposes for which the withdrawal was made. If the Reclamation Service has no objection to the listing of the land the application will be accepted, the applicant will be informed, and the supervisor instructed to submit the report in the usual form. If the Reclamation Service objects to the listing of the land, the application will be rejected, the applicant informed, a proper notation made on the tract book, and the case closed.

Applications in conflict with State school lands.

If an application is received for the listing of unsurveyed school lands included within a National Forest, the application should be accepted and treated in the usual way, and if the land applied for is within a surveyed school section for which the State has made indemnity selection which has been approved, the application should be accepted and treated in the usual way. If the land applied for is in a surveyed school section for which indemnity selection has not been made and approved, the application should be rejected, the applicant notified, and the case closed. If the land is covered by a selection made by the State under any grant made to it, the application should be treated as provided in the preceding sentence.

Applications in conflict with unperfected claims, except mineral location.

When an application is presented for the listing of a tract of land, under the act of June 11, 1906, which is covered by a homestead or any other entry, selection, filing, mineral application for patent or reservoir right of way, such application will be given a serial number and noted on the tract books in the usual manner, but the applicant will be notified that the application has been suspended, pending final decision by the Secretary of the Interior on the unperfected claim in conflict.

Two carbon copies of the letter to the applicant will be sent to the supervisor, who will make the proper entries in his tract book, but

who will not have an examination made of the land until the suspension is removed and the application is accepted.

Applications received and suspended under this procedure will not be classed as pending cases, but will be classed as suspended cases and entered as such in the annual reports.

When a suspended application is accepted, the procedure to be followed will be the same as that prescribed for the reference of an application to the supervisor for examination and report.

Applications in conflict with railroad grants.

Applications for unsurveyed lands located within the primary limits of a railroad grant, which probably will be granted sections, will be rejected, and the applicant will be informed that the Secretary of the Interior has decided that such lands can not be opened to entry under the act of June 11, 1906. The procedure will then be the same as when the land applied for is found to be patented, except that a yellow "O" will be placed in the "List No." column on Form 124.

Applications in conflict with patented lands or selected administrative sites.

When an application is received for patented lands or lands that have been selected and posted for administrative or public use, the applicant will be informed by letter of the status of the land applied for and the application will be rejected. Two carbon copies of the letter of rejection will be forwarded to the supervisor for the supervisor's and ranger's files. Applications of this character will be given a number, card, and folder, and will be noted in the tract book on Forms 123 and 124 in the usual manner, after which the case will be closed. Subsequent applications from the same persons are given new numbers. If the application is rejected for the reason that it conflicts with patented land, a dark green "V" should be placed in the "List No." column on Form 124. If the conflict is with approved railroad lands, a yellow "V" is placed in the "List No." column. If the conflict is with a ranger station, the letters "R. S." in red ink should be placed in the "List No." column on Form 124.

Preparation of Secretary's and district forester's letters.

All letters prepared for the signature of the district forester or assistant district forester will be written with three carbon copies.

All letters prepared for the signature of the Secretary or the Forester will be written with four carbon copies. The letters prepared for the signature of the Secretary will be written with a purple copying ribbon.

The case designation will not be placed on the letters prepared for the signature of the Secretary, but should be placed on the carbon copies of these letters.

List numbers, listing and transmittal of papers to Secretary.

The series of list numbers now in use by each district will be continued. Each application listed will be given a serial list number. The list number, Forest number, name of Forest, State, acreage, and date of list will be noted in the district list book on Form 345 in pencil. When the listing letter is forwarded to the Forester, the recommendation, list number, date listed in the district office, and acreage recommended will also be noted in pencil on Form 124 in the Forest tract book. The Secretary's letter,

together with two carbons and all the papers in the case, will be forwarded to the Forester.

When the land is listed by a metes and bounds survey, two copies of the blue prints and field notes will be transmitted with the other papers in the case.

When a strip of land is excluded from the tract listed, two blue prints showing the location and area of the excepted strip will also be forwarded with the list letter.

Preference rights.

The act recognizes two preferred entrymen, (1) the settler prior to January 1, 1906, (2) the person upon whose application the land was examined and listed.

In case there is no preferred settler only the name of the person upon whose application the land was examined and listed should appear as the preferred entryman in the listing letter. If, however, a portion of said tract was formerly examined on the application of another, but not listed because the first applicant did not reply to small-area letters addressed to him, all of the facts in regard to the first application covering such small area should be recited in the listing letter to the Secretary of the Interior. If, however, the first applicant has expressly withdrawn his application or has refused to accept the listing of such small area, the person making application for the same area at a later date shall be deemed the person upon whose application the tract was examined and listed, and he only will be named in the listing letter.

Notification to applicant and supervisor of final action by Secretary.

When the carbon copy of the listing letter showing the Secretary's signature is received from the Forester, the pencil notations made on Form 345 in the list book and on Form 124 in the Forest tract book will be made in ink, and the date of the Secretary's signature will be noted as the date the land was listed.

The list number will then be written in red ink on the township plat in the tract book across the tract listed.

The applicant will at once be notified by form letter that the land has been listed. When the land was listed by a metes and bounds survey one copy of the blue print will also be forwarded to the applicant. Two carbon copies of the listing letter and two copies of the letter of notification to the applicant will be forwarded to the supervisor, together with two copies of the field notes and blue prints if the land was listed by a metes and bounds survey, and two copies of the blue print if a strip of land was excluded from the tract listed.

Closing cases.

All canceled, withdrawn, or rejected cases will be closed upon the date that final action is taken by the district forester, and all listed cases will be closed upon receipt of the copies of the Secretary's listing letter. Two copies of the letter taking final action will be forwarded to the supervisor.

Upon receipt of the Interior Department notice that final action has been taken to restore the land to entry, the date of restoration to entry will be entered in the list book (Form 345). A memorandum of the notice will be placed in the folder in the closed file, and the notice will be sent to the supervisor.

Annual report.

Annually, on August 1, district foresters will submit to the Forester, on standard atlas pages, a report on settlement. The report will be in the form prescribed in advance by the Forester.

PROCEDURE IN WASHINGTON OFFICE.

Action on drafts of listing letters.

Drafts of list letters prepared in the district offices and all other settlement correspondence will be referred to the branch of lands. If the case is returned to the district forester, a follow-up card will be kept in the branch of lands.

Listing letters will not be rewritten in the Washington office, unless the draft on its face contains a typographical error, or the draft submitted is not in good form. The intention of the district forester in drafting the letter, as to its substance, must be clear before any letter will be rewritten or changes made therein without returning it to the district office.

Listing letters returned to district office.

Cases will be returned to the district forester with proper instructions, when upon examination any of the following circumstances exist:

(*a*) When reports and papers which are the basis for the list are not inclosed.

(*b*) When the character of the land is not clearly shown in the reports and accompanying papers.

(*c*) When the reports and papers show that more than half the area recommended for listing is pure grazing land.

(*d*) When the area recommended for listing is less than that applied for, no reason given therefor, and no statement from the applicant that he wishes to enter the area as reduced.

(*e*) When there is a discrepancy between the dates of application as shown by reports and those given in the draft of letter.

(*f*) When there is a discrepancy in the description of the land, as shown by reports, and by draft of letter.

(*g*) When the two copies of field notes and blue prints describing the area required in case of a metes and bounds survey are not inclosed with the papers.

(*h*) When in the case of a metes and bounds survey there is a discrepancy in the description shown by the field notes and that shown by the blue prints.

(*i*) When the description of the roadway excluded from the listed area is not given in the listing letter, or the blue prints of the roadway are not inclosed.

(*j*) When there is a discrepancy between the letter and the blue print showing the description of the roadway.

(*k*) When it is found that the area recommended for listing is covered by a claim of record.

Action by Secretary.

If the listing is approved by the Forester, the listing letter will be submitted to the Secretary of Agriculture for action. Except in special cases, the reports and papers will not accompany the letter to the Secretary.

Papers returned to district.

After the letter is returned from the Secretary's office the listing letter will be mailed and all reports and papers relating to the case returned to the district forester. One carbon of the listing letter will be retained in the files of the Washington office.

Action on request by district forester for status of land.

When status of land is obtained from the General Land Office upon request from the district forester, the report to the district forester will be made on Form 301, which will be accompanied by a memorandum if necessary.

Action on requests for information regarding status of cases.

When requests are received for information regarding the status of settlement cases which can not be furnished from the records of the Washington office nor the General Land Office, the request will be acknowledged and the writer will be informed that the request had been forwarded to the district forester with instructions to furnish the information requested. Two carbons of this letter with the communication from the person making the request and such inclosures as may have been transmitted therewith will be forwarded to the district forester concerned with appropriate instructions stamped thereon.

Communications from applicants.

All applications or correspondence from applicants not in the nature of a request for review of the district forester's action will be referred to the district forester for appropriate action and the writer notified by form postal card.

Action on request to the Forester or Secretary for reexamination or review.

When an application is received for a reexamination of the tract or a review of the decision of the district forester, such action will be taken as may be warranted by the showing made by the application and the record in the case.

Action on correspondence from Interior Department.

When replies to communications from the General Land Office or the Department of the Interior in connection with settlement matters can not be made from the information available in the Washington office, such communications will be referred to the district forester for the preparation of reply for the Forester's or Secretary's signature.

ADMINISTRATIVE SITES.

U. S. Department of Agriculture,
Forest Service,
Washington, D. C.

The following procedure and instructions relating to administrative sites in National Forests are hereby established and issued to take effect February 1, 1912.

Henry S. Graves, *Forester.*

Approved December 19, 1911:
James Wilson, *Secretary.*

PROCEDURE.

Selection.

Lands within National Forests may be selected for administrative uses, including supervisor's or ranger's headquarters, gardens, pastures, corrals, planting or nursery sites, and rights of way. If suitable sites for administrative purposes can not be found within the Forest, vacant and unappropriated public land outside may be recommended for withdrawal under the act of June 25, 1910 (36 Stat., 847).

A general plan for selecting sites, based upon the present and probable future requirements for fire control and the transaction of the business of each National Forest, must first be formulated. Since it is impossible to foresee with certainty the development and extension of the use of the resources of the National Forests, it is impossible to determine with certainty the number and location of the administrative sites which in the future will be required to properly protect and administer the Forests. In addition to selecting sites required for the present, supervisors must consider the probable future requirement, but great care must be taken not to select sites which will unnecessarily retard the development by settlers of agricultural land within National Forests.

Rangers' headquarters.

Administrative sites for rangers' headquarters will if possible be selected where there is enough agricultural land for a garden and suitable pasture land for a few head of horses and one or two cows, and, when necessary, where there is enough water for irrigation.

Amount of land for rangers' headquarters and pasture.

Administrative sites for rangers' headquarters should not exceed 160 acres in area, and a smaller area should ordinarily be sufficient. A larger area may be required to be used as an inclosure to handle horses belonging to the Government and to Forest officers, or to be used to raise feed for Government horses, and the horses of Forest officers which are used in official business.

In order to avoid conflicts with applicants under the Forest homestead act, the selection of administrative sites should be completed at the earliest date possible. All sites selected must be conspicuously posted with administrative site notices (Form 263) in order that the public may know the status of the land.

Sites selected and posted as rapidly as possible.

No site will be selected which has been applied for under the act of June 11, 1906, or is actually occupied or used in good faith for agricultural or mining purposes or for a home. If an area actually needed for administrative purposes is covered by a claim, a report on the claim may be made in accordance with the procedure prescribed under "Claims." The selection will not be made or the site posted while the application is pending or until the claim is abandoned or is canceled by the General Land Office.

Occupied areas.

Unsurveyed lands within the limits of railroad grants which will, when surveyed, be included in railroad sections will not be selected if it is possible to find other areas. When such lands are selected they will be subject to any rights which may accrue to the railroad by reason of survey and patent.

Railroad lands.

When a State indemnity selection has been approved the base land may be selected and used for administrative purposes even before patent to the land selected by the State has issued.

State selection.

Supervisors will not select mineral lands for administrative sites unless a suitable site on nonmineral land can not be secured.

Mineral lands.

The selection of an administrative site within a withdrawal for reclamation purposes will not be made until the district forester is informed by the supervising engineer of the Reclamation Service that the use of the land for an administrative site will not conflict with the purposes for which it was withdrawn.

Reclamation withdrawals.

A relinquishment offered by a claimant, when the use of the tract covered by the claim and the purchase of the improvements thereon for administrative purposes is contemplated, must not be accepted until its acceptance has been specifically authorized by the Forester. (See "Claims," Reg. L–41.)

Relinquishments.

In determining the amount to be offered for improvements which it seems advisable to purchase, their actual value to the Forest Service and not necessarily their original cost to the claimant should govern. No consideration can be given for the value of the land, since its title is in the United States. Land can not be purchased except under a specific appropriation by Congress.

Purchase of improvements.

When an administrative site is selected, it will be immediately located by legal subdivisions if on surveyed land or by a metes and bounds survey if on unsurveyed land. Surveys will be made in accordance with the "Instructions for Making Forest Surveys and Maps." The status of the land will then be obtained and, if open to selection, the site will be

Procedure after selection.

conspicuously posted with administrative site notices (Form 263). Notices may, if necessary, be posted before survey is made or status is obtained. A report in duplicate on Form 271 will then be submitted to the supervisor by the Forest officer who located and surveyed the site. If there are improvements upon the site, a description of their extent and condition, their estimated value to the Service, and the name and address of the claimant, if any, will be given, together with a recommendation for or against their purchase. The report will also give the date the site was posted. A map on tracing linen (Form 220) and field notes of a metes and bounds survey, if one was made, must accompany the report. Administrative sites will be designated by appropriate names. Upon receiving the report the supervisor, after checking it to determine the accuracy of the description, survey, and status, will prepare a folder and index card and will record the selection in the tract book township plat (Form 123). The following method will be used:

Selections or withdrawals proposed.	Outlined in red crayon and given a key number in red ink. (Unsurveyed areas are indicated by a circle.)
Withdrawals effected	Hatched in red crayon.
Release or cancellation proposed	Outline in black pencil.
Release or cancellation effected	All crayon and pencil markings erased.

Entries of administrative sites on township plats will be indexed on the margin of the plat upon which the site is entered. The index will be entered upon the left-hand margin and will give in red ink the key number of the site and in black ink the name of the site and, when necessary, the date of withdrawal and data regarding release. The name and description of the site will also be entered alphabetically on a special index sheet in the front of the tract book.

When the site selected is on National Forest land, the supervisor, after indorsing his approval on the report, will submit it to the district forester with two blue-print copies of the tracing, and when the site was located by a metes and bounds survey, with one copy of the field notes. If the selection is approved by the district forester, the site will be recorded in the Forest tract book, an indorsement of the district forester's approval will be made on the report and blue prints, and the report, one blue print, and the field notes, if any, will be returned to the supervisor, and one blue print will be retained in the files of the district office. When the blue print only of selected sites is retained, it can be filed in a general folder for the Forest, but when correspondence or other papers are retained, as in the case of withdrawn sites, a special folder and index card may be provided.

Sites outside Forest boundaries.

When the site selected is on vacant and unappropriated public land outside a National Forest, the procedure prescribed will be followed in selecting, locating, and reporting upon the site; but the report when submitted to the district forester must be accompanied by a letter from the supervisor stating the urgent need for withdrawing the site. If the tract recommended for withdrawal is in Washington, Oregon, Idaho, Montana, Colorado, or Wyoming, it must appear in the communication from the supervisor that there is *absolutely no tract*

within the Forest boundaries which can be used for the purpose desired. Only such tracts as can be described by legal subdivisions or approximate legal subdivisions should be recommended. If the district forester approves the selection, he will submit to the Forester the report and supervisor's letter, together with the original and two copies of a letter to the Secretary of the Interior prepared for the signature of the Secretary of Agriculture, recommending the withdrawal, and the original and two copies of a draft of Executive order making the withdrawal. The letter to the Secretary of the Interior must contain a statement that there is no land within the Forest boundaries suitable and available for the purpose involved. When final action has been taken, the papers will be returned to the district forester. If the Forester disapproves the selection, the papers will be accompanied by the original and one copy of his disapproval. If the site is recommended for withdrawal, the papers will be accompanied by a copy of the Secretary's letter and a copy of the Executive order.

When the papers are received by the supervisor, the final action will be recorded in the tract book. The supervisor will forward to the district ranger a copy of the report with an indorsement of the final action taken and a blue print of the tracing. He will forward with the report a copy of field notes and of the Executive order of withdrawal, if any.

Closing administrative site cases.

In the district office an administrative site case will be closed when the selection has been approved or disapproved by the district forester or the Forester or the site has been withdrawn by an Executive order and the supervisor has been notified of the final action. In the supervisor's office the case will be closed when notice has been received from the district forester of the final action taken and after the record of final action has been made and the district ranger notified. When a conflict arises between an administrative site selection and a claim or an application under the act of June 11, 1906, the administrative site case will not be closed until the conflict is finally settled.

Cancellation of selections and withdrawals.

Administrative sites on National Forest land which have been selected, but which have not been withdrawn by the Secretary of the Interior or by an Executive order may be canceled by an order of the district forester. The order will be prepared in triplicate by the supervisor and the original and one copy will be submitted to the district forester. The order will identify, by name and description, the site to be canceled and will give the reasons for the cancellation. If the cancellation is approved by the district forester, he will sign the order, and after the cancellation has been recorded in the Forest tract book the original order will be returned to the supervisor. After the final action has been recorded in the tract book in the supervisor's office a copy of order will be forwarded to the district ranger. Administrative sites which have been withdrawn by the Secretary of the Interior or by an Executive order may be revoked either in whole or in part by the Secretary of the Interior or by an Executive order, respectively. The supervisor will submit to the district forester a letter recommending the revocation which will identify the site by name, description, and location and which will give the reasons for

the recommendation and will state whether the site is valuable for water-power purposes. The district forester will prepare and submit to the Forester a letter to the Secretary of the Interior for the signature of the Secretary of Agriculture, recommending the revocation of the withdrawal or a draft of an Executive order revoking the withdrawal, as the case may be. The letter to the Secretary of the Interior must give the name of the site, the date of withdrawal, a description of the land withdrawn if surveyed, and if unsurveyed its approximate location by metes and bounds, including the meridian, the name of the National Forest and State, the approximate number of acres included and the value, if any, of the site for water-power purposes. The Secretary's letter or the draft of the Executive order will be accompanied by the supervisor's letter and, if necessary, by a memorandum from the district forester to the Forester. The subsequent procedure will be the same as when a withdrawal is recommended. When an administrative site is canceled or revoked the administrative site notices will be at once removed from the area.

Annual report by supervisor and district forester.

Supervisors will include in their statistical report (Form 446) to the district forester, due on July 15, a statement for the preceding fiscal year of administrative sites. Annually on August 1 the district forester will submit to the Forester, on standard atlas pages, a report on administrative sites. The report will be in the form prescribed in advance by the Forester.

Water appropriations.

In all cases where it is necessary to obtain from a lake, spring, or water course (natural streams, including rivers, creeks, runs, and rivulets) water for use on an administrative site for domestic or irrigation purposes the provisions of the State laws with reference to the appropriation and use of water must be fully complied with. Reimbursement will be made for expenses incurred in taking the steps incident to complying with the law. The district foresters will issue separate circulars to the supervisors in each State in their respective jurisdictions fully explaining the requirements of the State law and embodying such forms as it may be necessary for the Forest officers to use. Since August 30, 1890, rights of way for ditches and canals are reserved to the United States in all patents issued west of the one hundredth meridian.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 112—INSTRUCTIONS.

JANUARY 31, 1912.

Claims.—The Instructions on page 14 are hereby amended by inserting after the word "issue," at the end of the first paragraph, the following:

Examiners reporting on claims cases should ascertain if the area to be alienated conflicts in any way with or is a part of a water-power project. Where it is believed that the land for which patent is asked is more valuable for use in connection with hydroelectric power development than it is for the purposes authorized by the law under which the claim is sought, the examiner should so state that fact. When the report is approved, it should also be stated whether the land to be patented is a part of a site covered by a preliminary or final water-power permit. Reports showing possible power value in lands should be brought to the attention of the district engineer.

HENRY S. GRAVES,
Forester.

29837—12

FACULTY OF FORESTRY
MAR 24 1913
UNIVERSITY OF TORONTO.

FACULTY OF FORESTRY
MAY 14 1952
UNIVERSITY OF TORONTO

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 121.—INSTRUCTIONS.

Settlement.—That part of the National Forest Manual relating to "claims, settlement, and administrative sites" is hereby amended by adding to the paragraph on page 45, under the caption "Survey of tract by metes and bounds," the following:

Provided, however, That if in any district lack of equipment or of a sufficient number of competent surveyors renders it impossible in the judgment of the district forester to carry out the provisions of this paragraph, the land will be surveyed and listed in the usual way without reference to the provisions of this paragraph or to the paragraph on page 28 of the manual relating to this same subject.

HENRY S. GRAVES.
Forester.

32357°—12

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THE NATIONAL FOREST MANUAL

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 111—INSTRUCTIONS.

JANUARY 31, 1912.

Settlement.—The Instructions on page 38 are hereby amended by inserting after the word "subdivision" at the end of paragraph 3. the following:

Telephone lines constructed across tracts to be listed under the act of June 11, 1906, should be surveyed in the same manner as roads. The roads built or to be built for the needs of the public will be excepted from entry and patent, but the right of way occupied by the telephone line will be reserved only so long as the line is used. Reservations for telephone lines will not be made unless the line is actually constructed.

HENRY S. GRAVES,
Forester.

29837—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 124.—INSTRUCTIONS.

MARCH 25, 1912.

Administrative Sites.—The Instructions in the first sentence of the third paragraph on page 54 are hereby amended by substituting the following:

When the site selected is on National Forest land, the supervisor, after indorsing his approval on the report, will submit it to the district forester, and when the site is located by metes and bounds survey two blue-print copies of the tracing and one copy of the field notes should accompany the report.

HENRY S. GRAVES,
Forester.

37878°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 143.—INSTRUCTIONS.

OCTOBER, 31, 1912.

Settlement.—The Instructions are hereby amended by inserting after the fourth line on page 47 the following paragraph:

Lands valuable for coal.

Where land is embraced within a coal withdrawal under the act of June 22, 1910 (36 Stat., 533), the applicant should be notified of the limitations of the act reserving to the United States all right and title to any coal deposits that may exist beneath the surface; and he should be given opportunity to say whether he desires to take the land under those conditions, which, in the event of coal discovery, allow him the enjoyment of surface rights only. The first paragraph of the listing letter should be as follows:

"I have the honor to request that the following described land (List ——) in the ——— National Forest be opened to settlement and entry in accordance with the act of June 11, 1906 (34 Stat., 233), and with the act of June 22, 1910 (36 Stat., 583), reserving to the United States Government all right and title to any coal deposits that may exist beneath the surface."

A. F. POTTER,
Acting Forester.

66595°—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 139—INSTRUCTIONS.

OCTOBER 1, 1912.

Claims.—Since it is desirable that the procedure of the Forest Service and that of the General Land Office should conform as nearly as possible to each other in the return of final proof notices the instructions in the last paragraph of page 15 of the Claims Manual are hereby amended by substituting for indorsement (*b*) the following:

(*b*) "Please withhold final certificate; report submitted (or will be submitted) to the district forester ———, 19—."

Also as a substitute for (*e*) which previously designated the indorsement which was eliminated by Amendment No. 136, dated September 20, 1912, and to be used when a report can not be made prior to the return of the notice to the register and receiver and the supervisor has not sufficient information at hand to warrant the use of indorsement (*a*), the following indorsement:

(*e*) "Please withhold final certificate until field investigation has been made and report submitted by the Forest Service. A report will be forwarded to the district forester on or about ———, 19—."

A. F. POTTER,
Acting Forester.

62721°—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 153—INSTRUCTIONS.

DECEMBER 18, 1912.

Settlement.—Amendment No. 140, issued October 15, 1912, is hereby modified and amended by striking out the last sentence, which reads as follows:

They shall not apply, however, to any lands listed prior to August 10, 1912.

In accordance with the instructions issued by the Solicitor under date of November 26, 1912, to the district assistants to the Solicitor, to the effect that they will hereafter attend all hearings and conduct all claims cases involving claims to lands listed prior to August 10, 1912, in the same manner as they would treat claims cases involving lands listed after that date, it will be considered that all lands listed prior to August 10, 1912, have the same status as those which have been listed subsequent to that date.

A. F. POTTER,
Acting Forester.

71128°—13

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 124.—INSTRUCTIONS.

MARCH 25, 1912.

Administrative Sites.—The Instructions in the first sentence of the third paragraph on page 54 are hereby amended by substituting the following:

When the site selected is on National Forest land, the supervisor, after indorsing his approval on the report, will submit it to the district forester, and when the site is located by metes and bounds survey two blue-print copies of the tracing and one copy of the field notes should accompany the report.

HENRY S. GRAVES,
Forester.

37878°—12

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 136—INSTRUCTIONS.

SEPTEMBER 20, 1912.

Claims.—Since the agricultural appropriation bill, approved August 10, 1912, provides that "no land listed under the act of June eleventh, nineteen hundred and six, shall pass from the Forest until patent issues," the instructions on pages 15 and 16 are hereby amended by eliminating therefrom, after the word "Service," in the next to the last line on page 15, the following:

(*e*) "This entry was initiated under the act of June 11, 1906, and no report will be made by the Forest Service, as the Department of Agriculture has no authority to examine and report on this class of claims."

Also by eliminating from page 16 the following paragraph:

On notice of final proof on entries under the act of June 11, 1906, the notice will be returned to the register and receiver with the appropriate endorsement (*e*), and no examination or report will be made. The other two copies of the notice, with the endorsement entered thereon, will be sent to the district forester. Before returning the notice to the register and receiver a memorandum of the notice and the endorsement thereon will be made and filed with the settlement case to which it relates.

A. F. POTTER,
Acting Forester.

59850°—12

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UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

THE NATIONAL FOREST MANUAL.

AMENDMENT NO. 120—INSTRUCTIONS.

Claims.—That part of the National Forest Manual relating to "claims, settlement, and administrative sites" is hereby amended by eliminating from the paragraph on page 19, under the caption "Notice to claimant and supervisor of transmission of report to chief of field division," the following words: "and whether the report was favorable or unfavorable," so that the paragraph will read, when amended, as follows:

When a report is transmitted to the chief of field division the district forester will at once notify the claimant of the fact, and the date of transmission, with no further detail. A copy of the letter to the claimant will be sent to the supervisor.

HENRY S. GRAVES,
Forester.

32357°—12

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

THE NATIONAL FOREST MANUAL

AMENDMENT NO. 140—INSTRUCTIONS.

October 15, 1912.

Settlement.—On page 41, paragraph 2, Condition 1, insert, "and opening to entry" after the word "listing" in the second line so as to make it read:

1. When the applicant wishes to occupy the land which has been examined and favorably reported upon, pending its listing and opening to entry under the act of June 11, 1906.

Also, in the first closely spaced paragraph on page 41, which is to be inserted in permits issued under Conditions 1 and 2, substitute "opened to entry" for the word "listed" in the third line thereof, making it read as follows:

This permit shall not be construed to give the permittee any preference right of entry under the act of June 11, 1906. This permit shall terminate when the land is opened to entry, but if it be shown that the permittee has not the preference right of entry, the listing of the land will be deferred by the Secretary of Agriculture to protect the growing crops

These amendments are made in view of the provision in the current appropriation act providing that "no lands listed under the act of June 11, 1906, shall pass from the Forest until patent issues." They shall not apply, however, to any lands listed prior to August 10, 1912.

A. F. POTTER,
Acting Forester.

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